

By Mr. BROWN: Petition of Sherry Christian Endeavor Society, of Sherry, Wis., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURKETT: Resolutions of the Omaha (Nebr.) Central Labor Union, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CURTIS: Resolution of the Kansas State Temperance Union, asking for temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of C. S. Albright and other lessees of the Indian Pasture Reserve No. 3, Okla., asking that occupants be given the preference right to lands when open for settlement—to the Committee on Indian Affairs.

By Mr. DAVIDSON: Petitions of the Welsh Calvinistic Methodist churches of Oshkosh and Manchester, Wis., against the repeal of the antieateen law—to the Committee on Military Affairs.

Also, petition of F. A. Cole and other citizens of Omro, Wis., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Menasha, Wis., asking for the passage of Senate bill 909, for the extension of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, petitions of F. A. Wilde and others, of Neenah and Trayser Brothers and others, of New London, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Wisconsin State Horticultural Society, in favor of House bill 8735—to the Committee on the Public Lands.

By Mr. DRAPER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. FOSS: Resolutions of the Chamber of Commerce of San Francisco, Cal., and Merchants and Manufacturers' Board of Trade of New York City, for an increase of the Navy—to the Committee on Naval Affairs.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Osborne County, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUPPERT: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. RYAN: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. SULZER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. WILSON: Resolutions of the Twenty-first Assembly District Democratic Club of Brooklyn, N. Y., protesting against the proposed transfer of the vessels of the American line to the British flag—to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, February 27, 1903.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the claims of the States of New Hampshire, Connecticut, New Jersey, and Rhode Island aggregating \$1,290,611.77, allowed by the Auditor for the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

STEAMERS W. L. EWING AND LOUISVILLE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 31st ultimo, a report by the Auditor for the War Department as to claims made by certain marine insurance companies of Cincinnati and St. Louis; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDAATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered in favor of claimants in Indian depredation cases, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress amounting to \$265,071.86; which, with the accompanying papers, was referred to the Committee of Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. GRIFFITH as a conferee at the conference on the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the District of Alaska," Mr. KLEBERG having resigned.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes;

A bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States;

A bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

A bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Arizona relative to the enactment of legislation to protect the holders of all bonds issued under the authority of the acts of the legislative assembly of that Territory; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Territory of Arizona. Office of the Secretary. United States of America, Territory of Arizona, ss.

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council joint memorial No. 1, adopted by the twenty-second legislative assembly of the Territory of Arizona February 20, 1903, which was filed in this office the 20th day of February, A. D. 1903, at 11.50 o'clock a. m., as provided by law.

In testimony whereof, I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 21st day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,
Secretary of the Territory of Arizona.

Council joint memorial No. 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the council and house of representatives of the twenty-second legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas the loan commission of the Territory of Arizona, in session in the city of Phoenix on the 10th day of February, 1903, ordered funded and are now preparing to forthwith fund in fifty-year 3 per cent bonds of the Territory of Arizona the 150 bonds of \$1,000 each of the county of Pima, issued in 1883 to the Arizona Narrow Gauge Railroad under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883, together with the accrued and unpaid interest thereon, which said bonds and the unpaid interest coupons thereof now amount to the sum of \$317,685; and

Whereas such action on the part of the loan commission of Arizona was in response to a mandate of the supreme court of the Territory of Arizona, issued under the direction of the Supreme Court of the United States, commanding said loan commission to so fund said bonds and interest; and

Whereas said bonds were issued in 1883 to aid in the construction and operation of a railroad between the city of Tucson and the town of Globe, in the Territory of Arizona; and

Whereas said railroad was never constructed and was never intended to be constructed and operated, and the people of the said county of Pima have never received any benefit or advantage whatever for said bonds, and the issue and delivery of said bonds was procured by fraudulent and collusive machinations, on account of which said Pima County has never recognized or acknowledged said bonds as valid, but has at all times refused all demands for interest thereon; and

Whereas said bonds were by the Supreme Court of the United States, at its October, 1894, term, in the case of Lewis v. Pima County (155 U. S. 54), adjudged and declared wholly invalid and void; and

Whereas after said bonds were so declared invalid by the Supreme Court of the United States, the Forty-fourth Congress of the United States, by its act approved June 6, 1896 (Statutes at Large, vol. 29, p. 262), pursuant to a memorial of the eighteenth legislative assembly of the Territory of Arizona, addressed to the Senate and House of Representatives of the United States in Congress assembled (a copy of which memorial is hereto attached), validated certain bonds of the Territory of Arizona and various counties and municipalities thereof; and

Whereas according to the decision of the Supreme Court of the United States in the case of Utter et al. v. Franklin et al., decided January 3, 1899

(172 U. S., 416), said act of Congress validated and made legal the aforesaid bonds of Pima County, which had previously been declared by the Supreme Court of the United States invalid and void; and

Whereas said memorial of the eighteenth legislative assembly of the Territory of Arizona, so addressed to the Senate and House of Representatives of the United States in Congress assembled, was not intended to include said Pima County bonds, and the language thereof was misconstrued by the Forty-fourth Congress of the United States, as by a comparison of said act of the Forty-fourth Congress approved June 6, 1896, and said memorial will clearly appear, for the reason that said memorial appealed to the Forty-fourth Congress of the United States to legalize and validate bonds which had been sold in good faith, the validity of which had been acknowledged; and

Whereas said act of the Forty-fourth Congress legalized and validated all bonds, warrants, and other evidences of indebtedness of the said Territory of Arizona, and the counties and municipalities thereof, which had been authorized by legislative enactments, whether lawful or not, as held by the Supreme Court of the United States in the aforementioned case of *Utter et al. v. Franklin et al.*; and

Whereas the said Forty-fourth Congress of the United States has so validated the aforesaid notorious bonds, without request or solicitation on the part of the people of said Pima County, and has thereby imposed upon the people of said Pima County and Santa Cruz County (the latter county having been set off from Pima County in 1899 by act of the twentieth legislative assembly of the Territory of Arizona), through the aforesaid action of said loan commission, an unjust and most grievous burden, for which said people of said counties have never received any benefit or advantage whatever; and

Whereas the aforesaid action of the said loan commission, pursuant to the aforesaid mandate, precludes the said counties of Pima and Santa Cruz from making further legal defense against the imposition of this unjust burden, and the obligation of the said counties by the action of said loan commission in funding said bonds, pursuant to their order, will be rendered fixed and certain, without recourse or hope of relief:

Wherefore, on behalf of the people of said Pima and Santa Cruz counties and the Territory of Arizona, we most respectfully request and urge your honorable bodies to grant relief from the burden of the aforesaid bond issue by an appropriation of sufficient funds from the Treasury of the United States to cover the sum total of the aforesaid bonds and accrued interest, so as aforesaid legalized and validated by the Forty-fourth Congress of the United States, to the end that the same may be forthwith paid, discharged, and canceled, and not funded by the said loan commission of the Territory of Arizona: *Provided, however*, That should said bonds have been refunded by the loan commission of Arizona before the passage of the act of relief, then and in that event the said county of Pima, Territory of Arizona, shall be reimbursed in the full sum of \$317,685 by direct appropriation.

The Delegate to Congress from the Territory of Arizona is hereby requested and urged to use all proper means within his power to bring this subject before the Congress of the United States now in session by the introduction at once of a bill providing for the relief herein prayed for.

The secretary of the Territory of Arizona is hereby directed to transmit forthwith a certified copy of this memorial to the Delegate to Congress from the Territory of Arizona; also one to the President of the Senate of the United States and also one to the Speaker of the House of Representatives of the United States.

Passed and adopted by the council of the twenty-second legislative assembly of the Territory of Arizona, the 20th day of February, 1903.

EUGENE S. IVES,
President of the Council.

Passed and adopted by the house of representatives of the twenty-second legislative assembly of the Territory of Arizona, the 20th day of February, 1903.

THEODORE T. POWERS,
Speaker of the House.

MEMORIAL.

To the Senate and House of Representatives of the
United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies: That—

Whereas under various acts of the legislative assembly of the Territory of Arizona certain of the counties of the Territory were authorized to issue in aid of railroads and other quasi public improvements and did under such acts issue bonds, which said bonds were sold in open market, in most instances at their face value, and are now held at home and abroad by persons who, in good faith, invested their money in the same, and, save and except such knowledge as the law imputes to the holder of bonds issued under authorized acts, are holders of the same; and

Whereas the validity of these bonds for many years after their issuance was unquestioned and acknowledged by the payment of the interest thereon as it fell due; and

Whereas there has recently been raised a question as to whether these acts of the legislative assembly were valid under the organic law of the Territory, which had led to a movement looking to the repudiation of the indebtedness created under and by virtue of such acts; and

Whereas we believe that such repudiation would, under the circumstances, work great wrong and hardship to the holders of such bonds, and at the same time seriously affect the credit and standing of our people for honesty and fair dealing and bring us into disrepute:

Wherefore we most strongly urge upon your most honorable bodies the propriety and justice of passing such curative and remedial legislation as will protect the holders of all bonds issued under the authority of acts of the legislative assembly, the validity of which has heretofore been acknowledged, and that you further legislate as to protect all innocent parties having entered into contracts resulting from inducements offered by our Territorial legislation, and relieve the people of the Territory from the disastrous effects that must necessarily follow any repudiation of good faith on the part of the Territory, and that you may so further legislate as to validate all acts of the legislative assembly of the Territory which have held out inducements for the investment of capital within the Territory, and which have led to the investment of large sums of money in enterprises directly contributing to the development and growth of the Territory, and thus relieve the honest people of the Territory from the disastrous effects that must necessarily follow any violation of good faith on the part of our people.

Resolved, That our Delegate to Congress be, and he is hereby, instructed to use all honorable means to bring this subject to the earnest consideration of Congress; that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing to each House of Congress and to our Delegate in Congress.

Indorsed: Council joint memorial No. 1. By Mr. Corbett. In council. Adopted unanimously February 20, 1903. J. C. Evans, chief clerk. February 20, 1903, house adopted memorial by unanimous vote. C. W. Miller, chief clerk. February 20, 1903, sent to council. Filed in the office of the secretary of the Territory of Arizona this 20th day of February, A. D. 1903, at 11.50 a. m. Isaac T. Stoddard, secretary of Arizona.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Arizona, praying for the enactment of legislation to exclude from the provisions of the act of Congress of June 6, 1896, the bonds issued by Pima County to the Arizona Narrow Gauge Railroad Company, etc.: which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Territory of Arizona, office of the secretary. United States of America, Territory of Arizona, ss:

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council memorial No. 1, adopted by the twenty-second legislative assembly of the Territory of Arizona, February 20, 1903, which was filed in this office the 20th day of February, A. D. 1903, at 11.50 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 21st day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,
Secretary of the Territory of Arizona.

MEMORIAL OF PIMA AND SANTA CRUZ COUNTIES.

To the council and house of representatives of the
twenty-second legislative assembly of Arizona:

Your memorialists, the boards of supervisors of Pima and Santa Cruz counties, respectively, in joint session assembled, beg leave to submit to your honorable bodies that the loan commission of the Territory of Arizona, in session in the city of Phoenix on the 10th day of February, 1903, ordered funded and are now prepared to forthwith fund in fifty-year 3 per cent bonds all of the 150 notorious bonds (for years known as the Pima County Narrow-Gauge Railroad bonds), together with the accrued and unpaid interest thereon, amounting in all to about \$330,000; that such action on the part of the loan commission of Arizona was in response to a mandate of the supreme court of the Territory of Arizona, issued under authority of the Supreme Court of the United States, commanding said loan commission to so fund said bonds and interest. That said bonds were issued by the county of Pima in 1883 to aid in the construction and operation of a railroad between the city of Tucson and the town of Globe, in the Territory of Arizona; that said railroad was never constructed or operated and was never intended to be constructed or operated, and the issue and delivery of said bonds was procured by fraudulent and collusive machinations. That said Pima County has never recognized or acknowledged said bonds as valid, and has at all times refused all demands for interest thereon.

That said bonds were by the Supreme Court of the United States, at its October, 1894, term, in the case of *Lewis v. Pima County*, adjudged and declared wholly invalid and void. That after said bonds were so declared invalid the Congress of the United States, by its act approved June 6, 1896 (a copy of which is hereto attached), pursuant to a memorial of the eighteenth legislative assembly of the Territory of Arizona, addressed to the Senate and House of Representatives of the United States in Congress assembled (a copy of which memorial is hereto attached), validated certain bonds of the Territory of Arizona and various counties and municipalities thereof, including the aforesaid notorious Pima County narrow-gauge railroad bonds, according to the decision of the Supreme Court of the United States in the case of *Utter et al. v. Franklin et al.*, decided in January, 1899. That said memorial, addressed to the Congress of the United States, by the said eighteenth legislative assembly of the Territory of Arizona, was not intended to include said Pima County bonds, as by reference to said copy of said memorial (hereto attached) and a memorial addressed to the Senate and House of Representatives of the United States in Congress assembled by the twentieth legislative assembly of the Territory of Arizona, known as House Memorial No. 1 (a copy of which is hereto attached), will clearly appear. That the Congress of the United States misconstrued the aforesaid memorial of the eighteenth legislative assembly and validated these notorious bonds, without request or solicitation on the part of the people of Pima and Santa Cruz counties, and thereby imposed upon said people of said counties an unjust and most grievous burden, for which said people of said counties have never received any benefit or advantage whatever. That your memorialists believe, and on behalf of the people of Pima and Santa Cruz counties solemnly assert, that the Congress of the United States is in duty bound now to intervene and relieve the people of said Pima and Santa Cruz counties from the payment of all of said bonds, so as aforesaid by the Congress of the United States legalized and validated.

Wherefore your memorialists, on behalf of the people of said Pima and Santa Cruz counties, beg to request and urge your honorable bodies to forthwith jointly memorialize the Congress of the United States now in session to grant an appropriation sufficient to cover the sum total of the aforesaid bonds and accrued interest, to the end that the same may be forthwith paid, discharged, and canceled, and not funded by the said loan commission of Arizona.

Adopted by unanimous vote of the members of the board of supervisors of Pima and Santa Cruz counties, respectively, in joint session, held in the city of Tucson, Ariz., this 17th day of February, A. D. 1903.

ANDRIES A. EBEL,
Chairman of Board of Supervisors of Pima County.
RICHARD FARRELL,
Chairman of Board of Supervisors of Santa Cruz County.

[Seal, Board of supervisors Pima County.]

Attest:
JOHN METS,
Clerk of Board of Supervisors of Pima County.

MEMORIAL.

To the Senate and House of Representatives of the United States:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas under various acts of the legislative assembly of the Territory of Arizona certain of the counties of the Territory were authorized to issue in aid of railroads and other quasi public improvements and did under such acts issue bonds, which said bonds were sold in open market, in most instances at their face value, and are now held at home and abroad by persons who, in good faith, invested their money in the same, and, save and except such knowledge as the law imputes to the holder of bonds issued under authorized acts, are holders of the same; and

Whereas the validity of these bonds for many years after their issuance was unquestioned, and acknowledged by the payment of the interest thereon as it fell due; and

Whereas there has recently been raised a question as to whether these acts of the legislative assembly were valid under the organic law of the Territory, which had led to a movement looking to the repudiation of the indebtedness created under and by virtue of such acts; and

Whereas we believe that such repudiation would, under the circumstances,

work great wrong and hardship to the holders of such bonds, and at the same time seriously affect the credit and standing of our people for honesty and fair dealing and bring us into disrepute:

Wherefore we most strongly urge upon your most honorable bodies the propriety and justice of passing such curative and remedial legislation as will protect the holders of all bonds issued under the authority of acts of the legislative assembly, the validity of which has heretofore been acknowledged, and that you further legislate as to protect all innocent parties having entered into contracts resulting from inducements offered by our Territorial legislation, and relieve the people of the Territory from the disastrous effects that must necessarily follow any repudiation of good faith on the part of the Territory, and that you may so further legislate as to validate all acts of the legislative assembly of the Territory which have held out inducements for the investment of capital within the Territory, and which have led to the investment of large sums of money in enterprises directly contributing to the development and growth of the Territory, and thus relieve the honest people of the Territory from the disastrous effects that must necessarily follow any violation of good faith on the part of our people.

Resolved, That our Delegate to Congress be, and he is hereby, instructed to use all honorable means to bring this subject to the earnest consideration of Congress; that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing to each House of Congress and to our Delegate in Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the acts of Congress approved June 25, 1890, and August 3, 1894, authorizing the funding of certain indebtedness of the Territory of Arizona, are hereby amended and extended so as to authorize the funding of all outstanding obligations of said Territory, and the counties, municipalities, and school districts thereof, as provided in the act of Congress approved June 25, 1890, until January 1, 1897, and all outstanding bonds, warrants, and other evidences of indebtedness of the Territory of Arizona, and the counties, municipalities, and school districts thereof, heretofore authorized by legislative enactments of said Territory, bearing a higher rate of interest than is authorized by the aforesaid funding act approved June 25, 1890, and which said bonds, warrants, and other evidences of indebtedness have been sold or exchanged in good faith in compliance with the terms of the acts of the legislature by which they were authorized, shall be funded, with the interest thereon which has accrued and may accrue until funded into the lower interest-bearing bonds as provided by this act.

SEC. 2. That all bonds and other evidences of indebtedness heretofore funded by the loan commission of Arizona under the provisions of the act of Congress approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894, are hereby declared to be valid and legal for the purposes for which they were issued and funded; and all bonds and other evidences of indebtedness heretofore issued under the authority of the legislature of said Territory, as hereinbefore authorized to be funded, are hereby confirmed, approved, and validated, and may be funded as in this act provided until January 1, 1897: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds, warrants, or other evidences of indebtedness by this act approved, confirmed, and made valid, and authorized to be funded.

Approved June 6, 1896.

House memorial No. 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable body that—

Whereas a memorial was presented to your honorable bodies by the eighteenth legislative assembly of the Territory of Arizona regarding bonds issued by certain counties of said Territory, which memorial was intended to apply only to such bonds as had been bought in good faith, and interest on which had been paid as stated in the aforesaid memorial; and

Whereas in response to said memorial your honorable bodies thereafter passed the act entitled "An act amending and extending the provisions of an act of Congress entitled 'An act approving, with amendments, the funding act of Arizona,' approved June 6, 1896;" and

Whereas, based on said memorial, an act of June 6, 1896, the Supreme Court of the United States has recently rendered a decision tending to recognize the validity of certain bonds issued by Pima County, Ariz., to the Arizona Narrow Gauge Railroad, under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883; and

Whereas before the passage of said memorial said bonds had been declared unauthorized and void by the district court of the first judicial district of the Territory of Arizona, in and for Pima County, by the Supreme Court of the United States, in the case of *Lewis v. The County of Pima*, decided in the Supreme Court of the United States at its October, 1894, term; and

Whereas said bonds issued to said Arizona Narrow Gauge Railroad Company were never acquired by said county in good faith, and were never sold by it in good faith or for a valuable consideration, and none of the interest on said bonds had ever been acknowledged by said county; and

Whereas the said Arizona Narrow Gauge Railroad was never built and never existed, and Pima County has never received any consideration whatever for the said so-called bonds, and the entire scheme of the said bond issue was a fraud, without any element of merit or good faith; and

Whereas all the foregoing facts were and are notorious and within the knowledge of everyone who has ever had any dealings with said bonds; and

Whereas it was by all the members of the legislature passing said memorial, and by the governor of Arizona at the time, and by the then Delegate in Congress from Arizona, believed that all of said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company were res adjudicata by the said decision of the Supreme Court of the United States, and that none of the said bonds could be thereafter validated; and

Whereas said memorial was intended to apply only to certain railway-aid bonds of two other counties in Arizona where the aided railways were actually constructed, and not to the said bonds so issued by Pima County, as to which none of the statements or reasons in said memorial applied, and which bonds were then, as now, believed to be without consideration, unjust, fraudulent, and void:

Therefore we most strongly urge upon the Senate and House of Representatives of the United States of America to pass such legislation as will exclude from the provisions of the act of Congress of June 6, 1896, and from any and all other legislation by Congress, the said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company, so that neither said act of June 6, 1896, or any other act will be construed so as to validate the said bonds issued by Pima County; and it is further

Resolved, That our Delegate to Congress be, and is hereby, instructed to use all proper means to bring this subject to the careful and immediate consideration of Congress, in order to secure, if possible, from Congress such legislation as is prayed for herein, and that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing memorial to each House of Congress and to our Delegate in Congress.

Passed and adopted by the council of the twenty-second legislative assembly of the Territory of Arizona, February 20, 1903.

EUGENE S. IVES,
President of the Council.

Indorsed: Council memorial No. 1, by Mr. Corbett. In council, adopted unanimously, February 20, 1903, J. C. Evans, chief clerk. February 20, 1903, house adopted memorial by unanimous vote, C. W. Miller, chief clerk. February 20, 1903, sent to council. Filed in the office of the secretary of the Territory of Arizona this 20th day of February, A. D. 1903, at 11.50 a. m. Isaac T. Stoddard, secretary of Arizona.

Mr. DILLINGHAM presented a petition of the Department of Vermont, Grand Army of the Republic, of Rutland, Vt., praying for the enactment of legislation giving preference in civil-service appointments to veterans of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Women's Christian Temperance Union of Newfane, Vt., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of New York presented a petition of the Department of New York, Grand Army of the Republic, of Albany, N. Y., praying for the enactment of legislation giving preference in civil service appointments to veterans of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

Mr. BLACKBURN presented a memorial of sundry citizens of Louisville, Ky., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. TELLER presented petitions of sundry citizens of Fort Lupton, Greeley, Denver, Hygiene, Salida, Boulder, and Pueblo, all in the State of Colorado, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 68, International Brotherhood of Electrical Workers, of Denver, Colo., praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the Northern Deanery of the Diocese of Denver, Colo., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Navy; which was referred to the Committee on Naval Affairs.

He also presented petitions of the congregation of the First Presbyterian Church of Salida, of the Woman's Christian Temperance Union of Salida, and of the congregation of the First Baptist Church of Salida, all in the State of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 515, Brotherhood of Locomotive Engineers, of Basalt, Colo., praying for the passage of the so-called safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Pikes Peak Council, No. 13, Junior Order of United American Mechanics, of Cripple Creek, Colo., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pueblo, Colo., and a petition of the El Paso Good Roads Association of Colorado Springs, Colo., praying for the establishment of a division of good roads in the Department of Labor; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Denver Lodge, Order of B'rith Abraham, of Denver, Colo., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Platteville, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and in immigrant stations; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Pacific Jurisdiction, Woodmen of the World, of Denver, Colo., and a petition of the National Fraternal Press Association of Denver, Colo., praying for the enactment of legislation providing for the pound rate of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 68., of Denver; of Local Union No. 13, of Pueblo; of Local Union No. 47, of Denver, and of Local Union No. 45, of Colorado City, all of the American Federation of Labor, in the State of Colorado, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEARNS. I present the petition of the legislature of

Utah, praying that an appropriation of \$75,000 be made for the continuance of the irrigation investigations by the Department of Agriculture. I ask that the petition lie on the table, and that it be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table, and be printed in the RECORD, as follows:

House joint memorial. A memorial asking an appropriation of \$75,000 for irrigation purposes.

To the President and Congress of the United States:

Your memorialists, the governor and the legislature of the State of Utah, represent that the Office of Irrigation Investigations of the United States Department of Agriculture has been working toward the betterment of irrigation in this State; that the studies of the nature of water rights and the effects of litigation on the character, capacity, and management of ditches, and the determination of the amount of water used in irrigation, together with the acreage and value of irrigated crops, are, and must continue to be, of immediate assistance to the people of this State. We therefore respectfully ask that the Office of Irrigation Investigations of the Department of Agriculture be allowed an appropriation of \$75,000 at the present session of Congress.

THOMAS HULL,
Speaker of the House.
EDWARD M. ALLISON, Jr.,
President of the Senate.

Approved this 20th day of February, 1903.
HEBER M. WELLS, Governor.

Mr. KITTREDGE presented the petition of G. H. Brown and 65 other citizens of Northville, S. Dak., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a petition of 24 citizens of Birmingham, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary;

He also presented petitions of Local Union No. 5, of Detroit; of Local Union No. 36, of Muskegon; of Local Union No. 42, of Bay City; of Local Union No. 340, of Traverse City, and of Local Union No. 475, of St. Joseph, all of the American Federation of Labor, in the State of Michigan, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table;

He also presented a memorial of the Union Steam Pump Company of Battlecreek, Mich., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Benzonia, Joyfield, Allendale, Oak Grove, Mount Pleasant, and Ludington, all in the State of Michigan, remonstrating against the repeal of the present antichicken law; which were referred to the Committee on Military Affairs.

He also presented a memorial of the Retail Cigar and Tobacco Dealers' Association of Detroit, Mich., remonstrating against the enactment of legislation providing for a reduction of the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented a petition of Cigar Makers' Local Union No. 69, American Federation of Labor, of Three Rivers, Mich., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Lansing, Detroit, Jackson, and Grand Rapids, all in the State of Michigan, praying for the passage of the so-called post-check currency bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Lowell, Benzonia, Petoskey, Charlevoix, Homer, Hillsdale, Allendale, Blendon, Butternut, and Mason, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of sundry citizens of Bridgman, Ionia, Lake Odessa, Wakelee, Lansing, Grand Rapids, Ann Arbor, Overisel, Richland, Carson City, Belding, Stockbridge, Lake Ann, Opechee, and Central Lake, all in the State of Michigan, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of Lakeside Council, No. 6, Daughters of Liberty, of Laconia, N. H., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented the petition of Rev. C. N. Tilton, of Manchester, N. H., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry patrons of the Brightwood avenue car line, in the District of Columbia, praying for the enactment of legislation providing for an improved service on that line; which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a petition of the Department of Vermont, Grand Army of the Republic, of Rutland, Vt., praying for the enactment of legislation giving preference in civil-service appointments to veterans of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

Mr. DUBOIS. I present a memorial of the legislature of the State of Idaho and I ask that it be read.

Mr. ALDRICH. Let it be printed in the RECORD without reading.

Mr. WARREN. Let it be spread upon the record without taking the time to read it at the desk.

Mr. DUBOIS. It should be read, I think, under the rule. I should like to have it read.

The memorial was read, and referred to the Committee on Public Lands, as follows:

[Certificate of certified copy.]

STATE OF IDAHO, OFFICE OF THE SECRETARY OF STATE.

I, Will H. Gibson, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 2, by Werner; which was filed in this office the 19th day of February, A. D. 1903, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 21st day of February, A. D. 1903.

[SEAL.]

WILL H. GIBSON,
Secretary of State.

House joint memorial No. 2, by Werner. Joint memorial of the Idaho legislature against the extension and enlargement of the Bitter Root Forest Reserve in Idaho.

SECTION 1. *Be it resolved*, That the Idaho legislature protest against the proposed enlargement or extension of the Bitter Root Forest Reserve, and request our Senators and Representative in Congress to use their best endeavors to prevent such enlargement and extension for the following reasons: Said reserve as already existing takes in a very large area of the central part of this State, thus absolutely preventing the settlement and development of a tract of land almost as large as the largest county in Idaho. The proposed extension would enlarge this reserve to almost double its present area. Such proposed extension covers almost entirely the watershed of the Salmon River and its tributaries. The timber growing on this extension is almost exclusively black pine or other timber of a nonmerchable character, and is not used for lumbering purposes. Much of the proposed extension is not covered with timber at all. It embraces several valleys capable of agriculture, which under the law, if this extension is made, can never be improved or cultivated. The enlargement of this reserve would embrace the Thunder Mountain country, and under the law, while mining locations are permitted on these reserves, yet the development of mining camps is very much hampered and retarded. Salmon River is not a stream used for irrigation, nor is it one where damage from flood waters has occurred in the past; therefore the reasons usually existing for the creation of these reserves are absent from this case. A large part of this proposed extension is almost exclusively a grazing and mining country, and under the law all live stock can be shut out of these reserves as soon as they are created. In the opinion of your memorialists, the Idaho legislature, the extension and enlargement of this reserve would not serve any of the beneficent purposes supposed to attach ordinarily to the creation of forest reserves, but would work irreparable harm and injury to the State of Idaho by effectually preventing the settlement and development of this large area.

SEC. 2. For the foregoing reasons your memorialists, the Idaho legislature, respectfully petition the President of the United States and the Secretary of the Interior against the enlargement and extension of the Bitter Root Forest Reserve, as now proposed by the Interior Department.

SEC. 3. *Resolved*, That a properly certified copy of this memorial be forwarded to the President of the United States, the Secretary of the Interior, the Commissioner of the General Land Office, and to the Senators and Representative of this State in the Congress of the United States.

This joint memorial passed the house of representatives on the 4th day of February, 1903.

JAMES F. HUNT,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 17th day of February, 1903.

JAMES M. STEVENS,
President of the Senate.

I hereby certify that the within house joint memorial No. 2 originated in the house of representatives of the legislature of the State of Idaho during the seventh session.

ROBT. M. McCracken,
Chief Clerk of the House of Representatives.

State of Idaho: Received and filed February 19, 1903.

WILL H. GIBSON,
Secretary of State.

Mr. FRYE presented a petition of the Department of Wisconsin, Grand Army of the Republic, of Madison, Wis., praying for the enactment of legislation giving preference in the civil service to veterans of the civil war; which was referred to the Committee on Civil Service and Retrenchment.

POTTOWAUTOMIE INDIANS OF WISCONSIN.

Mr. QUARLES. I present a memorial of the Pottowautomie Indians of Wisconsin, praying that consideration be given their claims for proportionate shares of the tribal annuities, interest on trust funds, and other moneys and estates of the Pottowautomie Nation of Indians. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs. The motion was agreed to.

THE A. H. EMERY ELEVATING CARRIAGE.

Mr. TELLER. I present the statement of A. H. Emery on an amendment submitted by me, intended to be proposed to the fortifications appropriation bill, relative to the erection and completion by Mr. Emery of a 12-inch elevating carriage. I move that the statement be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, reported an amendment proposing to appropriate \$100 to compensate the clerk of the Committee on Printing of the House of Representatives for compiling three memorial addresses of the life and character of Abraham Lincoln by Hon. George Bancroft; James A. Garfield by Hon. James G. Blaine, and William McKinley by Hon. John Hay, under the direction of the Joint Committee on Printing, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. HANSBROUGH. By direction of the Committee on Public Lands, I report back favorably the bill (S. 7430) authorizing the recorder of the General Land Office to issue certain copies of patents, records, books, and papers. As this is a very short bill and rather an important one, I ask unanimous consent for its present consideration.

The Secretary read the bill.

Mr. BLACKBURN. What is the request of the Senator from North Dakota?

The PRESIDENT pro tempore. That the bill be now considered.

Mr. HANSBROUGH. I hope the Senator will not object. The Department is very anxious to have this legislation.

Mr. BLACKBURN. I do not intend to object, Mr. President, to the introduction of petitions, memorials, reports of committees, and bills, but I must object to unanimous consent being given for the consideration of any legislation until the Senate shall have had an opportunity to say whether or not it wants to consider what is known as the antitrust bill, which, in my judgment, is a matter of as much concern and interest to the American people as any measure before this Congress.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. HANSBROUGH. From the Committee on Public Lands, I submit the views of the minority to accompany the bill (S. 6363) to repeal the act providing for the sale of timber and stone lands, the desert land act, and the commutation provision of the homestead act, which I ask may be printed as a part of the Senate report No. 3166.

The PRESIDENT pro tempore. It will be so ordered.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 16734) to provide an American register for the steamer *Beaumont*, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 7280) to provide an American register for the cable-repairing ship *Scotia*, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7273) to provide an American register for the British ship *Pyrenees*, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891, reported it without amendment.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, reported an amendment authorizing the payment to the widow and children of the late Joseph W. Etheridge, late superintendent of the Sixth life-saving station, a sum equal to two years' pay of a district superintendent of the Life-Saving Service, and also a like amount to the widow of the late John M. Richardson, late superintendent of the First life-saving district, and moved that it be referred to the Committee on Appropriations; which was agreed to.

INTERNATIONAL PRISON CONGRESS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound in cloth 2,500 copies of the report on the Sixth International Prison Congress (House Document No. 374, Fifty-

seventh Congress, second session), of which 1,000 copies shall be for the use of the Senate and 1,500 copies for the Department of State.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 7437) for the relief of the estate of W. M. O'Hara, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7438) for the relief of John W. Lewis, late captain, Fourth Kentucky Cavalry Volunteers, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 7439) for the relief of the estate of Henry Fassman, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7440) for the relief of the estate of Frederick Fuhr, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7441) for the relief of the estates of Nathaniel and William Offutt, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 7442) for the relief of Theodore J. Eckerson, major, United States Army, retired; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7443) granting an increase of pension to Benjamin F. Hamell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7444) authorizing the North American Telegraph and Cable Company to construct a submarine cable; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TILLMAN introduced a bill (S. 7445) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. KEAN submitted an amendment proposing to appropriate \$1,983.06 to pay Durham W. Stevens for services rendered as chargé d'affaires ad interim of the United States at Tokio, Japan, from October 25, 1878, to May 21, 1879, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$30,000 to be expended by the Princeton Battlefield Monument Association of New Jersey, to aid in erecting and completing a suitable monument on the battlefield of Princeton, in that State, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. PENROSE submitted an amendment proposing to appropriate \$1,500 to pay the widow of S. W. Thome, late consul of the United States at Asuncion, Paraguay, South America, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment authorizing the Secretary of the Treasury to state an account with the Grand Rapids and Indiana Railway Company for transporting the United States mails under its present corporate name and under its former corporate name, the Grand Rapids and Indiana Railroad Company, over postal routes numbered 24018 and 137018, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment authorizing the Secretary of the Treasury to require the Commissioner of Internal Revenue in the examination of the refunding claim of the Eastern Railroad Company of Massachusetts, under the act of Congress approved February 28, 1901, to audit and report the amount of taxes illegally collected under the acts of Congress approved July 1, 1862, June 30, 1864, and July 14, 1870, and amendments thereof, from the Boston and Maine Railroad Company and the Eastern Railroad Company of Massachusetts, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to examine the claim of Messrs. Gallatly, Hankey & Co., of London, England, owners of the British steamship *Mogul*, for damages alleged to be due them by reason of the collision between that steamship and the U. S. transport *Warren* in Manila Bay, December 30, 1900, and to determine what damages, if any, are due them, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate \$2,547.25 to reimburse the Washington Market Company for furnishing and putting in place 1,072 lockers in the new armory quarters over Center Market, and also \$800 to reimburse the Washington Market Company for extraordinary repairs to quarters vacated by the national guard of the District of Columbia, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAY submitted an amendment proposing to appropriate \$2,929.45 to pay the Propeller Tow Boat Company, of Savannah, Ga., in accordance with the terms of the act of Congress approved February 18, 1893, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate \$766.66 to pay Parker Williams the difference between the pay of an assistant elevator conductor and that of an elevator conductor from September 1, 1899, to June 30, 1903, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. WARREN submitted an amendment proposing to appropriate \$282,943.88, being the amount reported by the Commissioners of the Court of Claims for services actually performed by certain letter carriers in excess of eight hours per day, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretaries of the Treasury, War, and Navy Departments to pay certain permanent and temporary employees of their respective departments for work performed by them in excess of the regular working hours during the period of the war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment providing for the relief of holders and owners of certain District of Columbia special-tax scrip, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations.

PARK SYSTEM OF THE DISTRICT OF COLUMBIA.

On motion of Mr. GALLINGER, it was

Ordered, That 500 copies of Senate Report No. 166, Fifty-seventh Congress, first session, be printed and bound in cloth for the use of the Senate Committee on the District of Columbia.

STATISTICS OF CRIME.

Mr. DUBOIS. I ask for a reprint of Senate Document No. 11, Fifty-seventh Congress, second session, being statistics of crime, suicide, insanity, and other forms of abnormality. The Senate has ordered this document printed a second time, and as both editions are entirely exhausted, I move that a reprint be ordered.

The motion was agreed to.

Mr. DUBOIS subsequently said: I move that the vote by which the motion made by me for a reprint of the document relative to statistics of crime, suicide, and insanity was agreed to may be reconsidered.

The motion was agreed to.

Mr. DUBOIS. I now move that the motion to reprint be referred to the Committee on Printing.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes; which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

Mr. STEWART. I wish to appeal to the Senator from Maine to allow the motion to reconsider the conference report on the Indian appropriation bill to be disposed of. It has tied up the bill, and I wish to have the motion disposed of so that the matter can go to the other House.

Mr. HALE. I have been notified that when that question comes up it will be debated at length. I know the Senator, who is an old Senator here, will see the importance of getting the

naval appropriation bill through first, so that it can go to the other House and into conference.

Mr. STEWART. I will move to lay the motion to reconsider on the table if the Senator will allow me to call it up. We can take the yeas and nays on the motion now without debate.

Mr. HALE. The Senator knows that it will be debated.

Mr. STEWART. If there was going to be reasonable debate that might be allowed; but the Senator from North Dakota says he proposes to debate it for a day.

Mr. HALE. I can not consent to anything coming in. The pending bill will not take a great while, and the Senator from Nevada will have ample time.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill, and read to page 2, line 14.

Mr. HALE. After the word "mates," in line 4, I move an amendment which only changes the language of an amendment in another part of the bill.

The SECRETARY. After the word "mates," line 4, page 2, strike out the semicolon and insert a comma and the following:

And also naval constructors and assistant naval constructors: *Provided*, That hereafter naval constructors and assistant naval constructors shall receive the same allowances as provided by existing law for officers of the line, Pay, and Medical Corps of the corresponding rank.

The amendment was agreed to.

The reading of the bill was continued. The first amendment of the Committee on Naval Affairs was, under the subhead "Emergency Fund, Navy Department," on page 4, line 4, to reduce the appropriation to meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, from \$40,000 to \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 4, line 17, to reduce the appropriation for the transportation of enlisted men and apprentices at home and abroad; transportation and subsistence en route to their homes, if residents of the United States, etc., from \$221,429 to \$200,000.

The amendment was agreed to.

The next amendment was on page 4, line 22, to reduce the appropriation for expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same, etc., from \$88,571 to \$80,000.

The amendment was agreed to.

The next amendment was, on page 5, line 6, under the subhead "Contingent," to reduce the appropriation for freight, telegraphing on public business, postage on letters sent abroad, etc., from \$27,679 to \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," in the appropriation for ordnance and ordnance stores, on page 9, line 15, after the word "dollars," to insert the following proviso:

Provided, That the unexpended balances remaining in the Treasury on June 30, 1903, from the appropriations "Ordnance and ordnance stores," 1900 and 1901, or so much thereof as may be necessary, are hereby reappropriated and made available during the fiscal year ending June 30, 1904, for expenditure in fulfillment of contracts heretofore made and properly chargeable to said appropriations.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 15, after line 15, to insert:

Depots for coal: For depots for coal, \$250,000.

The reading of the bill was continued to page 25, line 18, the last paragraph read embracing items for navy-yard, Boston, Mass.

Mr. HALE. In line 16, after the word "dollars," I move to insert:

Power and heating plant, to be immediately available, \$230,000.

The amendment was agreed to.

Mr. HALE. I move, also, after the word "Boston," in line 17, and before the word "dollars," in line 18, to strike out "two hundred and ninety thousand five hundred" and insert "five hundred and twenty thousand five hundred."

The amendment was agreed to.

Mr. HALE. After line 18, I move to insert:

Four dry docks: The limit of cost of the granite and concrete dry docks at the navy-yards, Portsmouth, N. H., and Boston, Mass., fixed by the act approved March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," is hereby increased from \$1,100,000 each to \$1,150,000 and \$1,225,000, respectively.

Mr. TILLMAN. Will the chairman of the committee give us the basis of this increase?

Mr. HALE. It is an estimate which came in after the committee had considered the bill. It came in from the Department and from the head of the Bureau of Civil Engineering. So I have put it in here in order that it may be open in conference.

Mr. TILLMAN. I knew it had not been considered by the committee, and I thought it must be something recent.

Mr. HALE. There are three or four items which came in in that way.

The amendment was agreed to.

The reading of the bill was resumed at page 25, line 19. The next amendment was, under the subhead "Public works, Bureau of Yards and Docks, navy-yards and stations, Naval Academy, and New Naval Observatory," on page 28, after line 6, to insert:

Navy-yard, Charleston, S. C.: Power house and fuel storage for construction and repair, to complete, \$45,000; machine shop for construction and repair, to complete, \$30,000; joiners' shop for construction and repair, to complete, \$30,000; machine shop for steam engineering, \$30,000; power house for steam engineering, \$25,000; in all, \$300,000: *Provided*, That the Secretary of the Navy be, and hereby is, authorized to reconvey to the city of Charleston, S. C., a small triangular piece of land in the northern extremity of the tract recently purchased by the United States for the purposes of a navy-yard in the vicinity of Charleston, S. C., containing about one-thirtieth of an acre, at the same rate per acre as that at which said lands were conveyed to the United States by the said city of Charleston.

The amendment was agreed to.

The next amendment was, on page 29, line 8, after the word "dollars," to insert "plumber and sheet-metal workers' shop, \$75,000;" and in line 10, before the word "thousand," to strike out "one hundred and ninety-three" and insert "two hundred and sixty-eight;" so as to make the clause read:

Navy-yard, Norfolk, Va.: Quay wall for fitting-out basin, \$75,000; railroad tracks, extensions, \$5,000; machinery and tools for yards and docks, additional, \$3,000; electric capstans for dry docks, additional, \$5,000; cistern, \$20,000; landing float and slip for railroad cars, \$40,000; improvements to storehouse building No. 15, \$15,000; enlarging canvas shed for storage of chain, \$30,000; plumber and sheet-metal workers' shop, \$75,000; in all, navy-yard, Norfolk, Va., \$268,000.

The amendment was agreed to.

The next amendment was, on page 29, line 23, after the word "dollars," to strike out "in all, navy-yard, Mare Island, \$50,000," and insert:

Railroad system, extensions, \$10,000; electric plant, extensions, \$50,000; light and power station building, \$40,000; moving and improving building No. 113, \$12,000; fittings for chapel, \$1,000; extension to electrical workshop, \$25,000; in all, navy-yard, Mare Island, \$188,000: *Provided*, That the balances from any appropriations for dredging be reappropriated for "Dredging or other means of deepening the channel in Mare Island Strait."

So as to make the clause read:

Navy-yard, Mare Island, Cal.: Medical dispensary, to complete, \$2,000; repairing 40-ton crane track, \$16,000; completing and extending timber storage, \$4,000; storage tank for oil, \$12,000; locomotive crane, \$12,000; remodeling chain shed, \$4,000; railroad system, extensions, \$10,000; electric plant, extensions, etc.

The amendment was agreed to.

The next amendment was, on page 31, line 11, after the word "dollars," to strike out "in all, navy-yard, Pensacola, \$23,000," and insert:

Building for Bureau of Equipment, \$120,000; in all, navy-yard, Pensacola, \$143,000.

So as to make the clause read:

Navy-yard, Pensacola, Fla.: Crib for floating dry dock, \$10,000; dredging, to continue, \$10,000; electric-light plant, additions, \$5,000; building for Bureau of Equipment, \$120,000; in all, navy-yard, Pensacola, \$143,000.

The amendment was agreed to.

The next amendment was, on page 32, line 2, after the word "dollars," to insert "ice-making plant, \$5,000;" and in line 4, before the word "thousand," to strike out "thirty-four" and insert "thirty-nine;" so as to make the clause read:

Naval station, Tutuila: Grading and filling, to continue, \$20,000; water-works and accessories, \$5,000; carpenter and blacksmith shop, \$5,000; mooring, shoal, and channel buoys, \$4,000; ice-making plant, \$5,000; in all, naval station, Tutuila, \$39,000.

The amendment was agreed to.

The next amendment was, on page 32, line 20, to increase the total appropriation for public works from \$3,757,940 to \$4,411,940.

Mr. HALE. There should be an amendment made there to correct the total.

The SECRETARY. On page 32, line 20, before the word "dollars," strike out "four million four hundred and eleven thousand" and insert "four million six hundred and forty-one thousand."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Navigation," on page 33, line 8, after the word "dollars," to insert "exclusive of amounts necessary for the purchase of additional lands;" and in line 10, after the word "plans," to strike out "heretofore authorized covering all buildings and improvements as he may see fit" and insert:

Or estimates of cost, within said limit, for all such buildings and improvements, including the hospital and dredging authorized in the act approved July 1, 1902, as he may see fit.

So as to make the clause read:

Naval Academy: The limit of expenditure for the construction of buildings and other necessary improvements at the Academy, as set forth in the act of June 7, 1900, be, and the same is hereby, increased to \$10,000,000, exclusive of amounts necessary for the purchase of additional lands. The Secretary of the Navy may modify or alter all plans or estimates of cost, within said limit, for all such buildings and improvements, including the hospital and dredging authorized in the act approved July 1, 1902, as he may see fit.

The amendment was agreed to.

The next amendment was, on page 33, line 18, after the word "hall," to insert "to be immediately available;" so as to make the clause read:

Repairs, Naval Academy: For building and furnishing additional temporary quarters and recitation rooms and for enlarging and furnishing the mess hall, to be immediately available, \$60,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 19, to insert:

That the Secretary of the Navy, the Superintendent of the Naval Academy, and William L. Marcy, of Annapolis, Md., are hereby appointed a commission to ascertain the sites of, and to have erected suitable tablets upon, the historic places within the grounds of the United States Naval Academy at Annapolis, Md., and the sum of \$500 is hereby appropriated for such purpose.

The amendment was agreed to.

The next amendment was, on page 34, line 19, to increase the total appropriation for public works, Bureau of Navigation, from \$296,250 to \$296,750.

The amendment was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Ordnance," on page 35, line 12, after the word "Congress," to insert:

And to defray the expenses of said board the sum of \$5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

So as to make the clause read:

New England naval magazine: The Secretary of the Navy is hereby directed to appoint a board of naval officers, whose duty it shall be to recommend a site or sites for one naval magazine on the New England coast, north of Cape Cod, suitable for the use of the Boston and Portsmouth navy-yards; and, if upon private land, to estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and also to estimate the cost of necessary buildings, grading, and filling in, building roads and walks, improvement of water front, necessary wharves and cranes, railroad tracks and rolling stock, fire and water service, and for general equipment of said naval magazine. The board shall make a full and detailed report to the Secretary of the Navy, who shall transmit such report, with his recommendations thereon, to the next session of Congress. And to defray the expenses of said board the sum of \$5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 36, line 19, after the word "dollars," to strike out "sulphuric acid plant, consisting of the necessary buildings and apparatus for making sulphuric acid, \$40,000," and in line 22, before the word "thousand," to strike out "fifty" and insert "ten;" so as to make the clause read:

Naval proving ground, Indian Head, Maryland: Three new cast-steel gun platforms, \$4,500; lightning protection, \$6,000; in all, naval proving ground, Indian Head, \$10,500.

The amendment was agreed to.

The next amendment was, on page 37, line 2, to reduce the total appropriation for public works, Bureau of Ordnance, from \$121,800 to \$86,800.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 39, after line 2, to insert:

Naval hospital, Washington, D. C.: The erection and completion of new buildings for the accommodation of the United States naval hospital, Washington, D. C., on the grounds belonging to the United States Naval Museum of Hygiene, \$125,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to insert:

Army and Navy Hospital, Fort Bayard, N. Mex.: That \$100,000 is hereby appropriated for the enlargement of the Army General Hospital at Fort Bayard, N. Mex., to accommodate the sick of the Navy afflicted with tuberculosis, and that this hospital shall hereafter be known as the Army and Navy Hospital and shall be governed by the same laws and regulations now in force for the Army and Navy Hospital at Hot Springs, Ark., to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Supplies and accounts," on page 40, line 23, before the word "dollars," to strike out "three million five hundred thousand" and insert "four million," and in the same line, after the word "dollars," to insert:

Provided, That of the \$3,250,000 appropriated by the act of March 3, 1901, for "Provisions, Navy," for the fiscal year 1902, the sum of \$500,000 of the unexpended balance be, and the same is hereby, reappropriated, which amount the accounting officers of the Treasury are authorized and directed to transfer from the appropriation "Provisions, Navy, 1902," to the naval-supply fund;

So as to make the clause read:

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in cases of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay corps, and chief boatswains, chief gunners, chief sailmakers, chief carpenters, and midshipmen), and commuted rations stopped on account of sick in hospital and credited to the naval-hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-

supply fund; 1 chemist, at \$2,500 per annum, and 2 chemists, at \$2,000 each per annum, \$4,000,000. *Provided*, That of the \$3,250,000 appropriated by the act of March 3, 1901, for "Provisions, Navy," for the fiscal year 1902, the sum of \$500,000 of the unexpended balance be, and the same is hereby, reappropriated, which amount the accounting officers of the Treasury are authorized and directed to transfer from the appropriation "Provisions, Navy, 1902," to the naval supply fund.

The amendment was agreed to.

The reading of the bill was continued to line 16, on page 41.

Mr. HALE. After line 16, I move to insert as a new paragraph the following:

Clothing and small stores fund: For purchase of clothing and small stores for issue to the naval service, the present fund being inadequate to meet the requirements of the service at this time, to be added to the clothing and small-stores fund, \$1,000,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the subhead "Bureau of Construction and Repair," on page 50, line 4, after the word "service," to insert:

Provided, That officers in the construction corps, when not occupying public quarters, shall be entitled to commutation of quarters.

So as to make the clause read:

In all, civil establishment, Bureau of Construction and Repair, \$27,024.25; and no other fund appropriated by this act shall be used in payment for such service: *Provided*, That officers in the construction corps, when not occupying public quarters, shall be entitled to commutation of quarters.

Mr. HALE. That amendment has been inserted in another place, so that it should be disagreed to.

The amendment was rejected.

The next amendment was, under the subhead "Steam Engineering," on page 51, line 18, after the word "thousand," to strike out "two" and insert "four;" so as to make the clause read:

Civil establishment, Bureau of Steam Engineering: Navy-yard, Portsmouth, N. H.: One clerk to department, at \$1,400; 1 messenger, at \$600; in all, \$1,800.

The amendment was agreed to.

The next amendment was, on page 52, line 4, to increase the appropriation for the salary of one clerk to Department at the navy-yard, League Island, Pa., from \$1,200 to \$1,400.

The amendment was agreed to.

The next amendment was, on page 52, line 6, to increase the appropriation for the salary of one clerk to Department at the navy-yard, Norfolk, Va., from \$1,300 to \$1,400.

The amendment was agreed to.

The next amendment was, on page 52, line 22, to increase the appropriation for the salary of one clerk to Department at the navy-yard, Washington, D. C., from \$1,200 to \$1,400.

The amendment was agreed to.

The next amendment was, on page 52, line 24, to increase the total appropriation for civil establishment, Bureau of Steam Engineering, from \$17,900 to \$18,700.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 53, after line 8, to strike out:

One professor of mathematics, 1 of chemistry, and 1 of English, at \$2,500 each; 4 professors, namely, 1 of English, 1 of French and Spanish, 1 of French, and 1 of drawing, at \$2,200 each; one assistant professor of Spanish, at \$1,800; 10 instructors, at \$1,500 each.

And in lieu thereof to insert:

One professor of mathematics, 1 of chemistry, 1 of French, 1 of Spanish, and 1 of English, at \$2,500 each; 3 professors, namely, 1 of English, 1 of French, and 1 of drawing, at \$2,200 each; 10 instructors, at \$1,500 each.

The amendment was agreed to.

The next amendment was, on page 54, line 1, after the word "dollars," to insert "1 assistant librarian, at \$1,000;" in line 5, after the word "each," to insert "1 clerk to the Superintendent, at \$1,000;" in line 8, after the word "dollars," to insert "1 clerk to the paymaster, at \$1,000;" and on page 55, line 7, before the word "thousand," to strike out "seventy-six" and insert "eighty;" so as to make the clause read:

One sword master, at \$1,500; 1 assistant, at \$1,200, and 2 assistants, at \$1,000 each; 1 instructor in gymnastics, at \$1,200; 1 assistant librarian, at \$1,800; 1 assistant librarian, at \$1,000; 1 secretary to the Naval Academy, at \$1,800; 2 clerks to the Superintendent, at \$1,200 each; 1 clerk to the Superintendent, at \$1,000; 1 clerk to the commandant of midshipmen, at \$1,200; 1 clerk to the paymaster, at \$1,200; 1 clerk to the paymaster, at \$1,000; 1 dentist, at \$1,600; 1 baker, at \$600; 1 mechanic in department of physics, at \$700; 1 mechanic in the department of ordnance, \$951.52; 1 cook, at \$235.50; 1 messenger to Superintendent, at \$500; 1 armorer, at \$649.50; 1 chief gunner's mate, at \$329.50; 1 quartermaster, at \$469.50; 1 coxswain, at \$463.50; 1 seaman in the department of seamanship, at \$397.50; 1 attendant in the department of navigation and 1 in the department of physics, at \$300 each; 8 attendants at recitation rooms, library, store, chapel, armory, and offices, at \$300 each; 1 bandmaster, at \$1,000; 21 first-class musicians, at \$420 each; 7 second-class musicians, at \$360 each; services of organist at chapel, \$300; in all, \$80,442.52.

The amendment was agreed to.

The next amendment was, on page 57, line 22, before the word "additional," to strike out "thirty" and insert, "five additional medical inspectors; twenty-five;" so as to read:

The grades of the active list of the Navy hereinafter designated shall be so increased that there shall be 30 additional lieutenant-commanders, in all

200; 50 additional lieutenants, in all 350; such total numbers of lieutenants (junior grade) and ensigns as may qualify for said grades under existing law and the provisions of this act; 5 additional medical inspectors; 25 additional surgeons with the rank of lieutenant-commander, in all 85, etc.

The amendment was agreed to.

The next amendment was, on page 59, line 19, after the word "midshipman," to strike out the following proviso:

Provided further, That immediately upon the passage of this act each Senator, Representative, and Delegate who has not had an appointment during the Fifty-seventh Congress, or in whose State, Territory, or District a vacancy shall exist on or before March 4, 1903, shall be permitted to recommend one midshipman to the said Naval Academy.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert:

That the provisions of this act for the increase of appointments of midshipmen to the Naval Academy shall continue in force until the 30th day of June, 1906; and thereafter one midshipman, as now provided by law, shall be appointed for each Senator, Representative, and Delegate in Congress.

The amendment was agreed to.

The next amendment was, on page 61, after line 8, to insert:

That hereafter there shall be at the Naval Academy one midshipman from Porto Rico, who shall be a native of said island, and whose appointment shall be made by the President on the recommendation of the governor of Porto Rico.

The amendment was agreed to.

The next amendment was, on page 61, after line 12, to insert:

That hereafter all candidates for admission to the Naval Academy at the time of their examination must be between the ages of 17 and 20 years, inclusive.

Mr. HALE. In line 13, after the word "That," I move to strike out "hereafter" and insert "after July 1, 1903."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 61, line 13, after the word "That," it is proposed to strike out "hereafter" and insert "after July 1, 1903;" so as to make the clause read:

That after July 1, 1903, all candidates for admission to the Naval Academy at the time of their examination must be between the ages of 17 and 20 years, inclusive.

The amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 63, line 4, before the word "years," to strike out "ten" and insert "seven;" so as to make the proviso read:

And provided further, That officers selected for appointment to fill vacancies in the grade of field officers in any of the staff departments shall be taken from officers on the active list not below the grade of captain and who have seen not less than seven years' service as commissioned officers in the Marine Corps. And that appointments to the grade of captain in any of the staff departments shall be made from officers on the active list of the Marine Corps not below the grade of first lieutenant.

The amendment was agreed to.

The next amendment was, on page 63, after line 8, to insert:

That the sergeant-majors and the 10 senior quartermaster-sergeants now holding rank in the Marine Corps shall be known as staff sergeant-majors and staff quartermaster-sergeants, respectively, and that vacancies hereafter occurring in the grades of staff sergeant-major and staff quartermaster-sergeant shall be filled by promotion from the noncommissioned officers not below the rank of sergeant, and who have served at least five years in the Marine Corps, and who are not over 35 years of age, after passing such physical, moral, mental, and professional examination as may be prescribed by the Secretary of the Navy.

That such staff sergeant-majors and staff quartermaster-sergeants shall receive the same pay and allowances as warrant officers of the Navy when at sea: *And provided also*, That after ten years from date of warrant the staff sergeant-majors and staff quartermaster-sergeants shall be commissioned to rank with but after second lieutenants and shall have the same pay and allowances as second lieutenants of the Marine Corps: *Provided also*, That the law pertaining to the retirement of commissioned officers of the Marine Corps is hereby made applicable to the staff sergeant-majors and staff quartermaster-sergeants herein provided for.

Mr. NELSON. Mr. President, I desire to make a point of order on the two new paragraphs beginning on page 63, line 9, and extending to line 5, on page 64, that they are new legislation.

Mr. TILLMAN. Mr. President, of course they are new legislation, but as there is a great deal of new legislation in this bill, I hope the Senator from Minnesota will not shut the door of hope in the faces of some privates and subordinate officers and prevent any rise or any stimulus to ambition for that class of men.

We have in the law governing the Army some similar provision by which men from the ranks, who stand the necessary examination and show their fitness and qualifications, can be promoted to the line and become officers, and may even become generals if they show the necessary ability and character. I therefore hope the Senator from Minnesota will not insist upon his point of order. If he does I shall ask the President pro tempore to submit the question to the Senate.

This is a provision which, as I have said, allows certain subordinate officers of the Marine Corps, after passing the necessary examination and being in the service ten years, to become officers of the line. That is about the sum and substance of it.

Mr. PENROSE. Mr. President, I hope the Senator from Minnesota will not insist upon the point of order. If he is disposed

to raise points of order of this character upon provisions in this bill, he can do it in scores of places.

This amendment was introduced by me and referred to the Committee on Naval Affairs. After a struggle in that committee they placed it in this bill. It simply extends the right to enlisted men of the Marine Corps which the men now have in the Navy of the United States.

It is un-American, Mr. President, and contrary to the spirit of our institutions to say that when men enlist in the military or naval service of the United States the door of hope shall be forever shut to them for advancement and promotion. This amendment is simply to give meritorious men enlisted in the Marine Corps some slight measure of opportunity to advance themselves in their chosen profession. I am sure that no Senator in this body can defend himself before the general body of the American people who will vote to sustain any longer in this important branch of the Navy of the United States a system of class and of separation in the service which renders promotion forever impossible to enlisted men.

I hope the Senator from Minnesota will not press his point of order at this time. If any member of the Senate has any doubt about the scope or the effect of this amendment, I hold in my hand a memorandum giving sufficient reasons, in a concise form, for the adoption of the amendment, which I shall be glad to read for the benefit of the Senator from Minnesota or for the benefit of any Senator who may be in doubt as to the merits of this amendment.

Mr. PERKINS. Mr. President, I simply wish to say to my friend from Minnesota [Mr. NELSON] that I know the principle embodied in this amendment finds a responsive echo in his own heart, for it depends upon the merit of the marine or of the soldier or the sailor whether he can be promoted. It gives him no special privileges; it only gives him the opportunity of receiving a commission in the Navy if he has the merit and possesses the physical and mental qualifications. It is the same principle which is embodied in the general Army law, that any soldier, for gallant services, who has the ability and has won his spurs on the battlefield, is commissioned as a lieutenant and may finally seek and obtain the highest position in the Army.

My friend from Minnesota won his epaulets on the battlefield, and all honor to him for it; but he went into the Army as a private soldier and fought gallantly for our country. I am sure he wants to give the sailor and the marine the same opportunity of winning honor which he had while he was in the Army of the United States.

Mr. NELSON. Mr. President, I have made this point of order not because I am hostile to the principle involved in the amendment, but to emphasize the fact of what I conceive is an unjust discrimination of the Committee on Naval Affairs. I offered an amendment to the naval appropriation bill to cover a defect in existing law. It was a meritorious amendment, as everybody conceded, and yet it was excluded on the ground that it was new legislation. The amendment which I offered was to meet a case which exists under the law. Where an officer is retired with a given rank, under the law, he can be put back on duty, and while on active duty after he is retired he gets less pay than when he is a retired officer not on duty.

I have a case in mind of an officer who was retired as a rear-admiral in the Navy. After he was retired the Department again called upon him to perform service under the law, and while he was performing that active service he got less pay to the extent of \$630 a year than while he was on the retired list doing nothing. I offered an amendment to meet such a case, and that amendment, as I have stated, was excluded from the bill on the ground that it was new legislation.

I have made this point of order, Mr. President, not because I am hostile to this amendment—I am in favor of the principle—but to call the attention of the committee to the fact that while they have discriminated in one case, they have no scruples about inserting new legislation to suit any other case. They seem to have great conscientious scruples in one case which they entirely lack in the other.

I want to say to the Senator from California [Mr. PERKINS], the Senator from Pennsylvania [Mr. PENROSE], and to other Senators who coincide with them, that if they were as zealous to do justice in the other cases as in this case, it would meet my approval. I believe in the merit system, but as I have said, I call attention to this fact to show the unfair discrimination which the committee has manifested in this matter.

I now withdraw my point of order, Mr. President.

Mr. PENROSE. I ask unanimous consent that a memorandum which I send to the desk in relation to this amendment may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The memorandum referred to is as follows:

Memorandum in support of an amendment proposed by Mr. PENROSE to H. R. 17288. In the Senate of the United States, February 12, 1903. Referred to the Committee on Naval Affairs.

1. Some time prior to the beginning of the first session of the Fifty-seventh Congress the staff noncommissioned officers of the Marine Corps appointed Sergt. Maj. Thomas F. Hayes, United States Marine Corps, and Q. M. Sergt. George Carter, United States Marine Corps, a committee to represent their respective ranks. Said committee, provided with a draft of a bill and an argument in support thereof, called on the assistant adjutant and inspector, United States Marine Corps, and respectfully laid the matter before him; that officer, in turn, brought the matter to the attention of the commandant of the corps. After due deliberation the latter officer submitted to Congress the draft of a bill proposing an increase in the line and staff of the corps; also providing warrant rank for the sergeant-majors and the first (senior) 10 quartermaster-sergeants.

2. The Major-General Commandant, in his annual report to the Secretary of the Navy, dated September, 1902, pages 49 and 50, not only recommends but strongly urges the enactment of the proposed provision as being wise and necessary legislation, in view of the fact that it would hold out to deserving enlisted men an inducement to reenlist in the corps and strive for warrant rank; and, further, that such a law would tend to promote the efficiency and raise the standard of the enlisted strength.

3. The adjutant and inspector of the corps called the committee before him at a later date for the purpose of a definition of the duties that would devolve on a warrant officer in the corps, as understood by them. Quartermaster-Sergeant Carter replied that a staff quartermaster-sergeant should be on duty at each of the large posts of the corps, take charge of and be accountable for all quartermaster supplies thereat, and, under the direction of the commanding officer, transact all business of the Quartermaster's Department at the post, receive and receipt for all supplies, invite proposals for all necessary purchases, prepare and forward to the quartermaster all vouchers, and, in fact, perform all the duties performed by a post quartermaster in the Army. The adjutant and inspector heartily concurred in the proposition and expressed the opinion that the corps would be greatly benefited thereby.

4. The quartermaster of the corps in his testimony recently given before the House Naval Committee stated that the officers of the Quartermaster's Department are greatly overworked, and that more assistant quartermasters are needed; that there should be an assistant quartermaster on duty at each of the larger posts; that line officers are not familiar with the duties, etc. Now, there is not a doubt but the quartermaster is right, but if more assistant quartermasters are appointed they must come either from the line or from civil life. In either case they will not be equipped for their new duties, and will rely wholly on the quartermaster-sergeants for the proper discharge of their duties. Why not, then, slightly raise the rank of the quartermaster-sergeants, who are already familiar with the duties in all its details, broaden their authority, and extend their usefulness, and at one-third the cost of commissioned assistant quartermasters. In fact, no additional appropriation would be necessary to carry into effect Mr. PENROSE's amendment.

5. The advantages that would result from the enactment of this provision are too many to be entered into in detail. A staff sergeant-major would be of great assistance to the commanding officer of a post. He would be the post adjutant, relieving a line officer of that duty, attend to all matters of military detail, inspect applicants for enlistment, superintend the military instruction of recruits, and have charge of the clerical force of the commanding officer's office. The commanding officer, relieved of these various duties, could devote more time and greater care to matters of post administration proper. Staff quartermaster-sergeants, as indicated above, would receive and receipt for all quartermaster's supplies, and be accountable for same, relieving a line officer of these duties, who, as testified by the quartermaster of the corps, are not familiar with them. He would inspect the fuel, forage, rations, and, in fact, all supplies furnished by contractors, and, under the direction of the commanding officer, perform all the duties of a post quartermaster. These warrant officers should be bonded. Such an arrangement could not result other than in a great saving to the Government. Men thoroughly familiar with the duties would be placed in positions of trust and responsibility. It would be a matter of pride with each and every one that the affairs of his office should be conducted in such manner as would reflect credit on himself.

6. Each and every man intended to be benefited by Mr. PENROSE's amendment has served more than five years in the Marine Corps; some of them ten, fifteen, twenty, and even twenty-five years. No other avenue of promotion is open to them; they are barred by the age limit from competing for commissions, and, unless this measure is enacted, they lose all hope of just recognition for long and faithful service. Congress has been asked by the major-general commandant to recognize the faithful and efficient services of these men, and it is confidently hoped that the commandant's appeal will be met by favorable action on the part of Congress.

The PRESIDENT pro tempore. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Marine Corps," on page 64, line 9, to increase the appropriation for pay and allowances prescribed by law of officers on the active list from \$418,900 to \$547,900.

The amendment was agreed to.

The next amendment was, on page 64, line 22, to increase the appropriation for pay of noncommissioned officers, musicians, and privates, as prescribed by law, from \$1,236,028 to \$1,365,628.

The amendment was agreed to.

Mr. BLACKBURN. Unless it meet the disapproval of the chairman of the Committee on Naval Affairs, I offer the amendment which I send to the desk, to come in on page 65, line 15.

Mr. HALE. Will not the Senator wait until we get through the reading of the bill and the consideration of committee amendments?

Mr. BLACKBURN. Certainly. At the suggestion of the chairman of the Committee on Naval Affairs, I withhold my amendment, and shall offer it after the reading of the bill shall have been completed.

Mr. HALE. On page 66, line 18, after the word "force," I move to strike out "\$26,978.75" and insert "\$27,110.03." The amendment refers to the pay of the civil force.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 66, line 24, after the words "Marine Corps," to strike out "one million eight hundred and thirty-nine" and insert "two million and ninety-seven;" and on page 67, line 1, after the word "thousand," to insert "six hundred;" so as to make the clause read:

In all, pay Marine Corps, \$2,097,648.75.

Mr. HALE. I move to amend the amendment by changing the total to "\$2,097,778.03."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 67, line 10, to increase the appropriation for provisions for noncommissioned officers, musicians, and privates serving ashore, for commutation of rations to enlisted men regularly detailed as clerks and messengers, etc., from \$445,071.50 to \$492,087.50.

The amendment was agreed to.

The next amendment was, on page 67, line 22, to increase the appropriation for clothing for noncommissioned officers, musicians, and privates, authorized by law, from \$382,000 to \$422,370.

The amendment was agreed to.

The next amendment was, on page 68, line 2, to increase the appropriation for fuel from \$45,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 68, line 21, to increase the appropriation for military stores from \$100,297 to \$110,895.

The amendment was agreed to.

The next amendment was, on page 69, line 2, to increase the appropriation for transportation and recruiting from \$110,000 to \$121,620.

The amendment was agreed to.

The next amendment was, on page 69, line 18, to increase the appropriation for repairs of barracks from \$60,000 to \$66,336.

The amendment was agreed to.

The next amendment was, on page 70, line 1, to increase the appropriation for forage from \$16,000 to \$17,700.

The amendment was agreed to.

The next amendment was, on page 70, line 14, to increase the appropriation for hire of quarters from \$25,748 to \$30,748.

The amendment was agreed to.

The next amendment was, on page 71, line 25, to increase the appropriation for contingent expenses from \$120,000 to \$136,000.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 72, after line 17, to strike out:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed or in navy-yards as hereinafter provided, three first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,212,000 each; one first-class armored cruiser of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of its class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,659,000; two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$570,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$50,000; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy: *Provided further*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

And in lieu thereof to insert:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract 4 first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, of the general type of the Oregon, upon a trial displacement of not more than 12,000 tons, of a maximum draft and ready for service at sea of not more than 24 feet, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor

and armament, not exceeding \$3,200,000 each; 2 first-class armored cruisers, of the general type of the Brooklyn, not exceeding 9,500 tons displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$2,750,000 each; 2 steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$570,000 each; 1 wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$50,000; and the contract for the construction of each of said vessels shall be awarded, by the Secretary of the Navy, to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than 2 of the 6 battle ships and armored cruisers provided for in this act shall be built by one contracting party: *Provided*, That the Secretary of the Navy shall build any or all the vessels herein authorized in such navy-yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. LODGE. Mr. President, I desire to offer an amendment to the amendment. The amendment proposed by the committee, of course, makes a change in the system proposed by the House as between ships of 16,000 and 12,000 tons. Into that discussion I do not desire to enter now. There is a great deal that may be said, I suppose, on both sides. It is an open question. But, Mr. President, I think it is very undesirable to tie the Department down to any particular type, and I think we ought not to limit their plans whether the ship be small or large. Therefore I move to strike out of the amendment proposed by the committee on page 74, line 23; the words "of the general type of the Oregon," and in line 5, on page 75, the words "of the general type of the Brooklyn."

Mr. HALE. I have no objection to that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In the amendment of the committee on page 74, line 23, after the word "class," it is proposed to strike out the words "of the general type of the Oregon;" and on page 75, line 5, after the word "cruisers," to strike out "of the general type of the Brooklyn."

Mr. PENROSE. Mr. President, I do not desire to now debate the question as to whether the programme in the Senate bill is the best one for the Government to adopt or that of the House of Representatives. I simply desire to call the attention of the Senate to the fact that the Naval Committee of the Senate has made a radical departure from the recommendation of the Bureau of Construction of the Navy Department, and the programme was outlined in the bill coming from the House of Representatives. At the proper time, when the conference committee reports to the Senate, I shall have something to say upon the subject.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 76, line 23, after the word "purchase," to insert "subsurface or;" on page 77, line 2, before the word "submarine," to insert "subsurface or;" in line 3, before the word "submarine," to insert "subsurface or;" in line 4, after the word "before," to strike out "August" and insert "September;" in line 6, before the word "submarine," to insert "subsurface or;" in line 7, after the word "competitor," to insert "provided there be any such;" in line 11, before the word "submarine," to insert "subsurface or;" and in line 14, before the word "submarine," to insert "subsurface or;" so as to make the clause read:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats in the aggregate of, but not exceeding, \$500,000: *Provided*, That prior to said purchase or contract for said boats any American inventor or owner of a subsurface or submarine torpedo boat may give reasonable notice and have his, her, or its subsurface or submarine torpedo boat tested before September 1, 1903, by comparison or competition, or both, with a Government subsurface or submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for subsurface or submarine torpedo boats in a manner that will best advance the interests of the United States in submarine warfare: *And provided further*, That before any subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested

to the satisfaction of the Secretary of the Navy. To carry out the purpose aforesaid the sum of \$500,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. NELSON. I offer the amendment which I send to the desk, to come in at the end of line 6 on page 78 of the bill. I wish to say that I hope the Committee on Naval Affairs will treat me as fairly as I treated them on the amendment as to which I made the point of order a while ago.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill as a new paragraph the following:

That retired officers of the Navy ordered to active duty shall have the rank, pay, and allowances of officers of the active list of like length of active service, and if actively employed for three years after retirement shall, when detached from duty, retain the rank and highest retired pay of the rank they then hold: *Provided*, That the rank and pay of any officer on the retired list shall not hereby be reduced.

Mr. COCKRELL. Let that amendment be again read.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Minnesota [Mr. NELSON].

The amendment was agreed to.

Mr. FORAKER. I offer the amendment which I send to the desk, to be inserted after line 2 on page 34.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, after line 2, it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to procure a suitable design for a monument to be erected in the Vicksburg National Military Park to the memory of the officers and sailors of the gunboat flotilla which served on the western rivers during the war of the rebellion; said design to cost not to exceed \$500. And the Secretary of the Navy shall submit such design as meets his approval to Congress with an estimate of its cost, which shall not be in excess of \$50,000.

The amendment was agreed to.

Mr. BLACKBURN. I offer the amendment which I send to the desk, to come in on page 65.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 65, line 15, after the word "at," it is proposed to strike out "\$840" and insert "\$971.28;" so as to read:

Pay of civil force: In the office of the major-general commandant: One chief clerk, at \$1,600; one clerk, at \$1,200; one messenger, at \$971.28.

The amendment was agreed to.

Mr. ALGER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Where does the Senator desire the amendment to be inserted?

Mr. HALE. Let it be inserted immediately after the amendment which has just been adopted on motion of the Senator from Ohio [Mr. FORAKER].

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, after the amendment just adopted, following line 2, it is proposed to insert:

To enable the Secretary of the Navy, under the direction of the Secretary of War, to cause to be erected at some suitable place in Arlington Cemetery a monument to Charles Vernon Gridley, late captain, United States Navy, commander of the flagship Olympia in the Asiatic Squadron in the battle of Manila Bay, he being the first officer of the United States Navy who lost his life in the line of duty during the late war with Spain, \$5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

The motion was agreed to.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I desire to give notice that when the appropriation bill now before the Senate is disposed of, I shall call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes, which I submitted last night.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. WARREN. I ask that the formal reading of the bill may be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon.

The PRESIDENT pro tempore. If there be no objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 6, after the word "dollars," to insert the following proviso:

Provided, That in addition to the corps of cadets now authorized by law, there shall be one from Porto Rico.

Mr. LODGE. I should like to ask the Senator in charge of the bill whether it would not be a good plan to define how the cadet from Porto Rico shall be appointed, as it has just been defined in the naval bill? No definition is found here.

Mr. WARREN. It was the opinion of the committee that that could safely be left as it is. While it is not the law, the President permits the Delegates from the Territories to nominate. From Porto Rico we have no Delegate, but we have a resident commissioner.

Mr. LODGE. I know it; and the Naval Committee, in the bill just passed, provided that the naval cadet from Porto Rico should be appointed by the President on the recommendation of the governor. It seems to me that is a much better arrangement than to leave it to the commissioner, who is not a Delegate.

Mr. WARREN. I do not know that there would be any special objection to it, and the Senator can prepare an amendment to that effect while we proceed with the reading of the bill, but I suggest that it would be a departure from the regular system as to Territories.

Mr. LODGE. Porto Rico is not a Territory.

Mr. WARREN. We assume it is for general purposes.

Mr. LODGE. The Senator can hardly assume that. It is not a Territory, and it has not a Delegate.

Mr. WARREN. If the Senator wants to prepare an amendment to that effect, I will not object.

Mr. LODGE. It seems to me it will make it more harmonious, and then the provision will be as it is in the naval bill.

Mr. FORAKER. I was out of the Chamber. I should like to inquire what is under discussion.

Mr. LODGE. My suggestion was that this provision should be the same as it is in the naval bill, that the President shall appoint the cadet from Porto Rico on the recommendation of the governor.

Mr. FORAKER. I have no objection to such a provision. I think perhaps—

Mr. BLACKBURN. I want to ask the Senator from Massachusetts a question.

Mr. LODGE. Certainly.

Mr. BLACKBURN. We have a representative from Porto Rico, I understand.

Mr. LODGE. We have. He is not a Delegate.

Mr. BLACKBURN. Is he not the Delegate in everything except title? He has the right to the floor. A Territorial Delegate has no right to vote. I want to ask why not let the cadet from Porto Rico be appointed by the President on the recommendation of that delegate or that representative?

Mr. LODGE. I think the system adopted by your committee is a better one; that is all.

Mr. BLACKBURN. I have no objection to it; but it seems to me the other course would be more in harmony.

Mr. LODGE. It seems to me, also, we had better make it uniform with the appointment of naval cadets. I understand the Naval Committee reported that clause after consideration, and I think it did so wisely. I think the naval provision is a very wise one.

Mr. BLACKBURN. I have no earthly objection to it, but it seems to me it would be more in conformity with existing law if the cadets, both at the Military and the Naval Academy, should be appointed by the President on the recommendation of the legislative representative of Porto Rico.

Mr. SPOONER. He is not a legislative representative.

Mr. LODGE. He is not. He is a resident commissioner.

Mr. BLACKBURN. He is not a delegate by name, but he has under the law substantially all the rights which belong to a Delegate from a Territory.

Mr. FORAKER. The Senator from Kentucky, if I correctly understood him, is in error in supposing that the commissioner from Porto Rico has the privileges of the floor of the two Houses.

Mr. BLACKBURN. I meant of the House.

Mr. FORAKER. Oh!

Mr. BLACKBURN. He has the privilege of the floor of the House.

Mr. WARREN. I suggest that we pass by this amendment until a satisfactory amendment can be prepared, if one be deemed necessary.

Mr. LODGE. I can offer the amendment immediately. It is right here. I propose to amend the provision so as to read:

One cadet from Porto Rico, who shall be appointed by the President on the recommendation of the governor of Porto Rico.

Mr. WARREN. I wish to ask the Senator from Massachusetts how the naval cadets are appointed from the Territories in the United States.

Mr. LODGE. They are appointed on the recommendation of the Delegate. The amendment I am giving you is similar to the one as to the naval cadet from Porto Rico.

Mr. WARREN. And you wish to have this provision correspond with it?

Mr. LODGE. That is the idea.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the amendment?

Mr. PROCTOR. I should like to inquire if there is any statute requiring that cadets to West Point shall be appointed upon the recommendation of anybody.

Mr. WARREN. No; there is not. It is absolutely with the President alone, if he so chooses.

Mr. LODGE. The President does not appoint. The cadets are appointed by the Senators and Representatives and Delegates.

Mr. PROCTOR. Not at all. They are appointed by the President of the United States on his own motion. There is no statute that I know of which requires that they shall be appointed on anybody's recommendation. By custom they are appointed upon the recommendation of the Senators and Representatives.

Mr. WARREN. They are.

Mr. PROCTOR. I think this would be a departure.

Mr. LODGE. We passed a statute giving each Senator a cadet at West Point.

Mr. PROCTOR. I beg pardon, Mr. President. We passed a statute giving two cadets at large from each State.

Mr. LODGE. Very well. My proposition exactly corresponds with that.

Mr. WARREN. You enact a statute which is not called for, because the custom is well established. It is better not to interfere with it by statute. Let it rest as it is.

Mr. LODGE. I have not the least desire to interfere by statute, but I understood the appointment was to be made on the recommendation of the resident commissioner. To that I object.

Mr. PROCTOR. The appointment is made by the President upon the recommendation of anybody whose recommendation he chooses to take or upon none; but, in fact, he takes, as to the Territories, the recommendations of the Delegates.

Mr. LODGE. This is wholly new. Porto Rico is not a Territory. What I want to avoid is having the cadet appointed on the recommendation of the resident commissioner, who is not a Delegate. We know well enough what our system is in both services.

Mr. PROCTOR. I think it would be unwise—

Mr. LODGE. The appointment should either be left entirely to the President, or to the President on the recommendation of the governor.

Mr. PROCTOR. This leaves it with the President.

Mr. HOAR. Let me ask the Senator a question. Does not this bill put Porto Rico in exactly the same condition of every State and Territory in regard to these appointments?

Mr. PROCTOR. This amendment does so.

Mr. HOAR. I mean the amendment.

Mr. PROCTOR. Yes.

Mr. HOAR. The President makes the appointment. He takes the recommendation of some Representative of the State or district or Territory, whose recommendation he is in the habit of following; but that is solely discretionary with him. If this language stand as it is, then Porto Rico will be situated just like Vermont or any Territory.

Mr. PROCTOR. Certainly. I think it would be very unwise to tie the President's hands to any particular recommendation in this case when they are not tied in any other case of the appointment of cadets.

Mr. LODGE. I have no desire to tie the President's hands, but I do not think by a side amendment of this kind we should change the status of Porto Rico, which has been pretty carefully defined.

Mr. WARREN. That is exactly what the committee desire to avoid. If the amendment remains as the committee have recommended it, Porto Rico will stand precisely as every other Territory and every other district stands and the appointment will be made precisely as every other such appointment is made, with the exception that it is customary, though not the law, for the President to delegate to members of Congress the privilege of nominating some man from their district and to the Delegates from the Territories to nominate from the Territories. The President can delegate to the resident commissioner or to the governor the nomination of a man from Porto Rico the same as is done in the States and Territories.

Mr. LODGE. Precisely what I want to avoid is putting Porto

Rico on the same ground as the States and Territories, because it is neither a State nor a Territory.

Mr. WARREN. Then let us have an understanding. There would then be legislation providing that one cadet at the Military Academy should be the nominee of a certain man, who is the governor of the Territory.

Mr. LODGE. No; I will leave that out, and provide that he shall be appointed by the President—

Mr. WARREN. That is the way it is now. The general law provides that the cadets shall be appointed by the President, and to say that there shall be one from Porto Rico accomplishes what the Senator from Massachusetts desires. The President can appoint him.

Mr. LODGE. If that is the case, there is not any need of adding these words.

Mr. WARREN. I think not.

Mr. LODGE. But I understood the object of framing it in this way was to give the appointment to the resident commissioner. That is what I want to avoid.

Mr. WARREN. Only through the courtesy of the President, or he could give it to the governor.

Mr. PLATT of Connecticut. May I inquire of the Senator having charge of this bill whether there is a cadet appointed from Alaska? I understood him to say that this is just the same as in each Territory and district.

Mr. WARREN. I meant the Congressional districts in the States—

Mr. PLATT of Connecticut. Oh!

Mr. WARREN. From which the Representatives in Congress come.

Mr. PLATT of Connecticut. I thought there was no provision for a cadet from the district of Alaska.

Mr. WARREN. There is none.

Mr. FORAKER. I want to say that I think it would perhaps be more satisfactory if the words "to be appointed by the President" should be added. Then there could not be any question about it, and the President could act upon anybody's recommendation.

Mr. LODGE. That is it.

Mr. WARREN. It is entirely unnecessary, but there is no harm in it, and I accept it.

Mr. LODGE. If it is a mere repetition of existing law it can do no possible harm. I ask to modify my amendment so as it shall read: "One from Porto Rico, to be appointed by the President of the United States."

The PRESIDENT pro tempore. Is there objection to the amendment?

Mr. DUBOIS. I should like to have the amendment read in full.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. If amended, the amendment will read:

Provided, That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico, to be appointed by the President of the United States.

Mr. TILLMAN. Mr. President, I am a little surprised that the Senator from Massachusetts [Mr. LODGE], having made such a good point in regard to the uniformity of these appointments, should surrender. The President appoints them all. He appoints every cadet to Annapolis and West Point. This is to give an additional cadet at large, who shall come from Porto Rico and be a resident thereof; and it ought to be so stated.

Mr. LODGE. I understand the system is not the same at West Point as at Annapolis.

Mr. TILLMAN. Wherein is the difference?

Mr. LODGE. The cadets at Annapolis are by law appointed by the Representatives and Senators; and it is so expressed in the bill just passed. The Senator from Vermont [Mr. PROCTOR] tells me that it is a mere custom in the case of cadets at West Point. I was not aware of it before. He said that they are all appointed by the President, and it is a mere custom to have them nominated by Senators and Representatives.

Mr. TILLMAN. I do not know. I have not examined the law on that point. I know, in regard to the Naval Academy, that some years ago a cadet from my State, who was appointed, did not stand the examination or something, and then the Secretary of the Navy took it upon himself to appoint without consulting the Representative in Congress, and Congress at its next session passed an act prohibiting that and expressly requiring the appointment to be made—

Mr. LODGE. There is no question whatever about the law in regard to Annapolis. The law to which the Senator from South Carolina refers was passed to cure that precise thing.

Mr. TILLMAN. Does it not apply to West Point?

Mr. LODGE. I understand from the Senator from Vermont that it does not apply to West Point.

Mr. BAILEY. If the Senator from Massachusetts will permit

me, the amendment which both Senators have in mind was not to vary the form of appointment; but it was to require the Secretary, when he made the appointment, the Member having failed to make it, to make the appointment for the district from the district.

Mr. LODGE. Certainly. I remember the discussion.

Mr. BAILEY. In the case to which the Senator from South Carolina refers the vacancy occurred in South Carolina; it was not filled by the Member within the specified time, and the then Secretary of the Navy appointed a young man from Alabama.

Mr. LODGE. That was the old system, which was cured by that amendment.

Mr. BAILEY. Yes; but that amendment only required that the appointment should be made from the district for the district.

Mr. LODGE. Certainly.

My point is entirely different from that. We have one system as to Annapolis and apparently a different system as to West Point. I did not know it before.

Mr. PROCTOR. I fail to see any difference in the systems. The law requires appointments at West Point to be made from the districts, but nothing is said about their being made upon the recommendation of the Representative. They must be made from the districts, and so the appointments at large must be made from the State. The appointees must be residents thereof. But, as I understand the Senator from Texas, that is substantially the provision now in regard to cadets at Annapolis.

Mr. LODGE. No; the bill very distinctly says:

There shall be allowed at the Naval Academy two midshipmen for each Senator, Representative, and Delegate in Congress.

It does not say anything about districts. It is for the individuals holding those offices. It is so stated in the bill we have just passed. That is why I made the point on this Porto Rican matter, supposing that West Point appointments were made in the same way. I did not know that it was a matter of mere courtesy; that if I recommend a cadet at West Point, under the law it was mere courtesy that the appointment was made. I supposed each Senator and Representative had the right to do it.

Mr. BAILEY. As a matter of fact, that is the law, and I believe that is the law as to naval appointments.

Mr. LODGE. What I read is the law as to the Navy.

Mr. BAILEY. The Senator or Representative nominates, and the President appoints.

Mr. LODGE. The President commissions.

The PRESIDENT pro tempore. Senators are not addressing the Chair. The Chair does not know who has the floor. The Senator from South Carolina was the last Senator recognized by the Chair.

Mr. BAILEY. The Senator from South Carolina yielded to the Senator from Texas, I understood.

Mr. TILLMAN. I did not, but I do.

The PRESIDENT pro tempore. The Senator from Massachusetts seemed to be occupying the floor.

Mr. BAILEY. Mr. President, as a matter of fact, I share with the Senator from Massachusetts the objection to leaving these appointments as they stand, and when the bill giving the Senator the appointment of a cadet at the Annapolis Naval Academy first came here, I insisted that it should be so amended as to confer the power of appointment upon the Senator. The answer was that from time immemorial the practice had been that the Representatives, who alone had this power of appointment for many years, made the nominations, and upon those nominations the President acted and had never been known to refuse the appointment to the nominee of the Member.

Now, here is the difficulty which the House ought to cure in the matter to which the Senator from South Carolina refers. It was not a change as to the power of appointment, but was intended merely to deprive the Secretary of the Navy, when he had the power to appoint, from appointing a young man from one district to represent at the Academy another district. I believe that as the law then stood the power to appoint for the district was limited to an appointment from the district as certainly in the case of the Secretary as it was in the case of the Member.

I believe that while we are about this matter, the sensible way to do is by law to lodge the appointment where, by practice it has been exercised, and then in case of a disagreement between any Senator and the President, there will be no question about it. I think possibly when it comes to appointing an officer, then the President alone could have the power of commissioning, but an appointment to the Academy not being in the nature of an office, no doubt by law the designation of the cadets could be vested in the Senator or Representative; and it ought to be done.

Mr. LODGE. Will the Senator from South Carolina allow me for one moment? I desire to read the general law. In regard to Annapolis there is no doubt whatever. The law is:

The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate.

There is nothing about the President at all. The vacancy is to be filled on the recommendation of a member of Congress. That is the old law as to the Naval Academy, and it is the law to-day, with such extension as we have given it. Now, in regard to West Point, it is apparently a mere custom; there is no law.

Mr. TILLMAN. I will read the law about West Point. I have sent for the act:

That the Corps of Cadets shall consist of 1 from each Congressional district, 1 from each Territory, 1 from the District of Columbia, 2 from each State at large, and 30 from the United States at large. They shall be appointed by the President, and shall, with the exception of the 30 cadets appointed at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they purport to be appointed.

There is nothing there in regard to the recommendation of Senators and Members, but the other Academy being so filled by law, I do not presume any President will ever undertake to ignore the recommendation of a Representative or a Senator, and if he does Congress will very soon change the law to protect itself.

The bill we have under consideration, providing for a cadet from Porto Rico, I believe has been amended, or an amendment is pending, giving the power to the President to appoint, without saying upon the recommendation of the governor or anybody. Is that the situation, Mr. President?

The PRESIDENT pro tempore. It is.

Mr. TILLMAN. I have an objection to that, because if we are going to give Porto Rico one cadet we ought to specify it and prevent any President from abusing it, and we should make it apply to citizens or residents of or people born in Porto Rico. With the language as it is now, any boy, who might go there temporarily, or be sent there for the purpose, could be appointed from Porto Rico.

Mr. FORAKER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I will.

Mr. FORAKER. I rose for the purpose of making such an amendment.

Mr. TILLMAN. I hope the Senator will prepare and send to the desk the words he wants to have inserted, in order to hedge it about and let it apply solely to Porto Ricans.

Mr. LODGE. That is what the naval provision does.

Mr. TILLMAN. It does, and I would be glad if we could get such a provision in here, and I do not see why we can not.

Mr. WARREN. If this language is left exactly as it came from the committee, it will provide for just that and nothing more. It needs neither addition nor subtraction from it. It states:

Provided, That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico.

If this proposed law and the old law are taken together, he would have to appoint a boy from Porto Rico.

Mr. TILLMAN. It does not apply specifically to Porto Rico, and some man from the United States might send his son down there, or he might be there as an officeholder temporarily, and the boy would get the appointment to West Point because he came from Porto Rico, yet he would not be a Porto Rican.

Mr. WARREN. A Scotchman or an Irishman might go to Massachusetts or South Carolina and become a resident.

Mr. TILLMAN. But if you mean to give it to Porto Rico let us say so.

Mr. WARREN. It does say so.

Mr. TILLMAN. I do not believe it. Of course I am not disputing the Senator's word or implying that he is not honest in his belief. I am merely saying that this language is too broad, and we ought to hedge it about with such limitations as are found in other provisions of law in regard to appointments from the States and Territories.

Mr. FORAKER. I offer an amendment, to be inserted before the amendment proposed by the Senator from Massachusetts. It is to insert the words "who shall be a native of said island;" so that the amendment offered by the committee as amended will read as follows:

Provided, That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico, who shall be a native of said island, to be appointed by the President.

Mr. HOAR. I wish to suggest to the Senator from Ohio whether he is not going a little too far, considering our policy, which permits changes of residence and emigration. Suppose he should say, "who has been a resident of the island at least ten years," or some other considerable term of time.

Mr. FORAKER. I think this whole matter was started with me. Being chairman of the committee having Porto Rico in charge, I offered amendments both to the naval bill and the Military Academy bill, making provisions of this character. My desire was that the natives of the island should have this opportunity, and that it should be for their benefit. I think it ought to be so provided, particularly at this time. It may be that later,

when conditions may have changed, it will be well enough to make a provision such as the Senator has just suggested, but it seems to me that if anyone, without limitation, can be appointed from Porto Rico, it is quite probable, as the Senator from South Carolina [Mr. TILLMAN] suggests, that people who have gone there from the United States might aspire to it. I want the people of the island to feel that they have the privilege enjoyed by the people of all the States and Territories, and I hope the amendment which I have offered will be adopted.

Mr. LODGE. Mr. President, if this amendment providing that the appointee shall be a native of the island is not put on, the Senator from Wyoming does not think under existing law he would be required to be a native of the island?

Mr. WARREN. He would be required to be a resident.

Mr. LODGE. Ah, that is a very different thing. It is an easy thing to become a resident; but as I understand the purpose of this amendment, it is like the purpose achieved with respect to the Naval Academy. The purpose is to give one appointment at each of the Academies to a native of the island of Porto Rico. The amendment as it stands in the Military Academy bill certainly does not do that.

Mr. WARREN. It provides that he shall be a resident.

Mr. LODGE. A resident; precisely. That does not seem to me enough.

Mr. WARREN. If it is desired to provide for the appointment of a man born in Porto Rico, it had better be so stated, perhaps, in the amendment.

The PRESIDENT pro tempore. The Senator from Ohio has offered an amendment, and it is now pending. It will be stated.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Wisconsin allow the amendment to be stated?

Mr. SPOONER. Certainly.

The SECRETARY. It is proposed to add after "Porto Rico," in line 7, the words "who shall be a native of said island;" so that the amendment, if amended, will read as follows:

Provided, That in addition to the corps of cadets now authorized by law, there shall be one from Porto Rico, who shall be a native of said island, to be appointed by the President.

Mr. BAILEY. Mr. President, I always differ very reluctantly and with great lack of confidence with the distinguished Senator from Ohio, but I venture to say that this is going very much too far, because I am sure no Senator here would be willing to provide that the appointees from a State must necessarily be natives of that State. In other words, a young man born in the State of Ohio removing to the State of Texas is eligible under the present law, but applying this amendment to the States he would not be eligible under it.

While I entirely sympathize with the purpose of having this appointment bestowed upon some young man who is in good faith a resident of Porto Rico and not a mere carpetbagger who has gone there for some purpose of this kind, I hesitate to enter upon a policy of restricting privileges to the birthplace of anybody under the American Government.

Mr. FORAKER. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Texas yield?

Mr. BAILEY. Certainly.

Mr. FORAKER. We have just taken this step in the naval appropriation bill passed a few moments ago. It contains precisely this language, restricting it to native citizens of the island. I will state my idea about it, if the Senator will indulge me a moment.

Mr. BAILEY. Certainly.

Mr. FORAKER. We can get plenty of Americans from the States and Territories. I want to make sure that a Porto Rican has an opportunity to enjoy the privileges of the Military and Naval Academies, and I do not see how it can work any injustice to anybody. We can change it at any time, if we like.

I know there are a good many young men down there who are not natives. I do not know whether the President, in the exercise of his discretion, if he were not restricted, would select one of them or not, but I want to make sure that he does not. I should like to have him give the Porto Rican a chance.

Mr. CARMACK. Will the Senator from Texas yield to me for a moment?

Mr. BAILEY. Certainly.

Mr. CARMACK. I wish to suggest to the Senator from Texas that the case of the Porto Ricans is entirely different from those living in the States of the Union. I think we ought to recognize that difference and we ought to positively declare by law that the appointee shall be a native of Porto Rico. I believe the difference between the situation in Porto Rico and the States of the Union is such that we ought to make that distinction. I think we ought to make it clear to those people by law that none but Porto Ricans are to have this privilege.

Mr. BAILEY. I stated that I thoroughly sympathize with the object of the amendment, and I am not going to carry my opposition further than the mere statement of my objection to ingrafting upon any enactment by Congress a distinction based upon the birthplace of a man, I will not say an American citizen, because I regret to say that the unhappy condition of those people is now that they are neither aliens nor American citizens.

Mr. HOAR. May I ask the Senator a question, that I may understand his point?

Mr. BAILEY. Certainly.

Mr. HOAR. I understand the Senator's point is that he wants to stand up for the rights of carpetbaggers?

Mr. BAILEY. Oh, no. The Senator from Massachusetts might have so understood it, and I would not venture to contradict his statement that he did understand it so; but nothing I said could be fairly construed into that, because I have an unhappy recollection of the carpetbaggers. I have no disposition to stand up for them any place on the globe. I do know, furthermore, that when the carpetbaggers go to a country that is not permitted to govern itself they generally govern it, and always wrong; and I do know that if there is any appointment in the Porto Rican government upon which these people can lay hands, peaceful or violent, they are certain to do it. There is a good deal of wisdom in the effort to remove it beyond their possible reach.

But I simply utter again, and for the last time, a protest against legislation that confines the privilege granted to people under the jurisdiction of the American Government who are natives of a particular place.

Mr. WARREN. Mr. President, will the Senator yield to me for a moment?

Mr. BAILEY. I do, sir.

Mr. WARREN. I desire the attention of the Senator from Ohio who offers the amendment. I assume that in his position as chairman of the Committee on Pacific Islands and Porto Rico he can state readily what constitutes residence in Porto Rico.

Mr. BAILEY. The Senator from Ohio makes it nativity and not residence by his amendment.

Mr. WARREN. But I want to see what the difference is.

Mr. FORAKER. Residence in Porto Rico is the same as residence in any other place. As to citizenship in Porto Rico, I have forgotten now just what the provision of the statute is, but all the natives are citizens of Porto Rico, and others going there to make that their permanent place of abode will become citizens according to the local laws.

Mr. LODGE. After a fixed period.

Mr. FORAKER. I do not know just what those local laws provide.

Mr. LODGE. It is about a year's residence.

Mr. FORAKER. My amendment provides that they shall be native citizens.

Mr. WARREN. The reason why I asked was to see what the real difference is. If, as the Senator from Massachusetts suggests, the matter of residence or citizenship requires but a year, and the Senator from Ohio desires to have a native Porto Rican, the committee will accept the amendment which he offers.

The PRESIDING OFFICER. Does the Senator from Massachusetts accept the amendment of the Senator from Ohio?

Mr. LODGE. I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the committee.

Mr. SPOONER. Mr. President, I wish to say a single word.

I am very glad that the amendment which was suggested, giving the power to a delegate from Porto Rico to recommend and practically appoint a cadet, has been eliminated. I have objected to a Delegate in Congress from Porto Rico because I regard that as practically a pledge of statehood, and I am not willing, as now advised, and I think I shall never be willing for one, to agree to the proposition that there shall be admitted into the Union territory or people who are remote from it and not a part of the mainland of this country. That is a question, however, which will be discussed if we ever reach it, and I have been unwilling that there should be put in our law any provision from which there could be drawn an inference of such a promise.

I have had some doubt myself whether it was exactly competent for Congress to authorize the President to appoint, on the recommendation of a designated person, an official. Whatever appointment the President has the power to make I think he should be permitted to make, as a rule. To say that he may make it upon my recommendation means that I may make it, and the President is simply to visé or O. K., if I may use that expression, my designation; but that is aside, as the matter has been amended.

Now, I have no particular objection to the amendment proposed by the Senator from Ohio, although I think it is unnecessary. It could be offered only in pursuance of the policy, which is

perhaps a wise one, to bring into relations with our Army and Navy natives of Porto Rico. We must trust Presidents; it is a coordinate and independent branch of the Government; and where the Congress clearly indicates a policy as to an appointment which is provided for by law, I think we may very well trust the President to carry it out. To appoint an American, the son of some official who has been a year or two in Porto Rico, under this provision, would be an obvious fraud upon the law and an obvious perversion of the policy which underlies the law.

There shall be one from Porto Rico.

That does not mean, I venture, a young man, the son of some governor or secretary of state, a temporary official, who for a year, perhaps, has resided there with his father and his father's family. It means, just as the Senator from Ohio intended it should mean, more than that. It goes deeper than that. It is not a mere matter of residence. It is a proposition by Congress that there shall be represented at West Point the island of Porto Rico. It is to bring into relations—it is to give the benefit of a military education to a native of Porto Rico. I believe it is perfectly safe to leave that with the provision as it was reported by the committee:

That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico.

If our purpose was to enable the President to appoint another American, we could simply enlarge the number the President might appoint, without any Territorial designation whatever. When we go beyond that and provide who shall be appointed by the President, and that there shall be one from the island of Porto Rico, I would have thought (though I do not care particularly about that) that any President would take it as an indication of the policy of Congress, which provides for this appointment, that there should come one from the people of Porto Rico, not the son of some American official who happens for the time being, removable at any day, to be in Porto Rico.

I shall not object to the amendment, but I submit to Senators that the statement as to the policy, and the obvious policy involved, which is a provision of the amendment reported by the committee, it would be perfectly safe to leave it to the President, without notifying him that we think he might abuse it, and that we legislate to prevent its abuse.

Mr. FORAKER. Mr. President, I think the Senator from Wisconsin is probably correct in what he supposed would occur if it should not be amended, namely, that the President, in making the selection under this provision, would seek to select a native citizen of Porto Rico. Yet the Senator has observed that there is very great diversity of opinion, in this Chamber certainly, as to whether or not, even morally, he would be so bound. The provision is without any restriction in that regard, and we know that not only will there be a class of officials who would be temporarily residing in Porto Rico, but a great many Americans have gone there and made homes there. They have engaged in business there and they will have sons, it is to be supposed, who might after a while become citizens of Porto Rico, and helping to sustain the government of that island, contributing their share to its support, they might very well become applicants for this kind of recognition.

As I said, I want to so hedge it about as to make sure that the native citizen of the island will get the benefit of the provision. I call the Senator's attention to the fact that this provision did not at any time say that the President should make the appointment on any other official's designation. It is perfectly free from that objection, if that be an objection. I would feel better satisfied to have the provision adopted with the amendment which has been offered.

Mr. PETTUS. Mr. President, I hope this amendment of the Senator from Ohio will not be adopted. We ought not to go into this class legislation. This is nothing in the world but class legislation. We all know that there are thousands of Spaniards born in Spain who are citizens of Porto Rico. We call them so technically in our laws. We all know that they are there citizens of Porto Rico and not of the United States. Why cut them out? Why legislate for a class?

It is nothing in the world but class legislation. To say that a man to be eligible shall be born in Porto Rico is to tell all the Spaniards there that they have not equal rights with those who were born there, and we ought not to do it. Class legislation is abominable to the American people generally, in whatever shape it may come up.

Mr. FORAKER. I am now more than ever anxious that the amendment should be adopted as proposed.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

STATEHOOD BILL.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. WARREN. I ask that the regular order may be temporarily laid aside until we finish the appropriation bill.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

Mr. DEPEW. I have a very short bill here of four lines, recommended by the Treasury Department. I ask that it be immediately considered.

Mr. WARREN. I am very sorry to disoblige the Senator, but I will not be able to yield to the passage of bills until we close the consideration of the appropriation bill.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Military Affairs, was under the subhead "Pay of civilians," on page 11, line 3, to increase the appropriation for the salary of one librarian from \$2,500 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 13, line 9, to increase the total appropriation for civilians employed at the Military Academy from \$38,130 to \$38,630.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 21, line 12, to increase the appropriation for cleaning public buildings (not quarters) from \$1,500 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 23, after the word "library," at the end of line 6, to strike out "from twenty-four;" in line 7, after the word "purchase," to strike out "about forty-five;" in line 8, before the word "holders," to strike out "with patent;" in the same line, after the word "holders," to strike out "to protect the parts from storm and rain when playing outside;" in line 9, after the word "and," to strike out "to supply;" in line 10, before the word "instruments," to strike out "the very largest brass;" and in line 11, before the word "eight," to strike out "best make, silver plated, to increase the volume of tone at parade duties;" so as to make the clause read:

To increase the present repertoire of the band library to 40 parts; to purchase music folios, holders, and a set of instruments, \$800.

The amendment was agreed to.

Mr. WARREN. On page 23, line 17, there is a misprint, which I ask to have corrected. The provision reads:

For one dozen rattan laundry baskets, to be expended without advertising, nine-six dollars.

I ask that that be changed so as to read "\$96."

The PRESIDING OFFICER. That correction will be made, in the absence of objection.

The amendment was agreed to.

The next amendment was, on page 23, after line 19, to strike out:

For purchase of one boiler for the cadet laundry, to be added to the appropriation of \$1,498 in the act approved June 23, 1902. "For replacing, by exchange, one old boiler in the cadet laundry by one 125-horsepower Fitzgibbon boiler, delivered and installed," which is hereby made available for part payment of the purchase of the boiler called for in this estimate, the total appropriation to be immediately available and to be expended without advertising, \$219.

The amendment was agreed to.

The next amendment was, on page 24, after line 5, to insert:

For an amount in addition to that provided by existing law for the purchase of one boiler for the cadet laundry, to be expended without advertising and to be immediately available, \$219.

The amendment was agreed to.

The next amendment was, on page 24, after line 20, to insert:

For the replacing of crockery, glassware, cutlery, etc., in the cadet mess, to be immediately available and to be expended without advertising, \$500.

The amendment was agreed to.

The next amendment was, on page 24, after line 23, to insert:

For the replacing of worn-out tablecloths, napkins, dish towels, etc., in the cadet mess, to be immediately available and to be expended without advertising, \$600.

The amendment was agreed to.

The next amendment was, on page 25, line 9, to increase the

total appropriation for miscellaneous items and incidental expenses from \$33,190 to \$35,265.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 27, line 19, before the word "hospital," to strike out "parts of;" and in the same line, after the word "hospital," to strike out "not yet wired;" so as to make the clause read:

For wiring hospital for electric lighting and for placing therein electric fans, electric heaters, electric-light fixtures, etc., with necessary attachments therefor, \$3,300.

The amendment was agreed to.

The next amendment was, on page 29, line 2, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For constructing a wagon road from the railroad station to the south end of post, \$20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 30, after line 3, to insert:

For gas and electric-light fixtures for new building for officers' mess and quarters, to be immediately available, \$2,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

For relaying terrace platform of memorial hall, in addition to the amount already appropriated for this purpose, to be immediately available and the total amount to be available until expended, \$5,000.

The amendment was agreed to.

The next amendment was, on page 30, line 11, to increase the total appropriation for buildings and grounds from \$33,657 to \$91,157.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WARREN. On behalf of the Committee on Military Affairs, I offer the amendment which I send to the desk, and ask unanimous consent for its adoption.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming on behalf of the Committee on Military Affairs will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

That section 5 of the act entitled, "An act to increase the efficiency of the Army," approved February 14, 1903, is hereby amended to read as follows:

"Sec. 5. That the Chief of Artillery shall hereafter serve as an additional member of the general staff, and, by and with the advice and consent of the Senate, shall have the rank, pay, and allowances of a brigadier-general, and when the next vacancy occurs in the office of colonel of artillery, it shall not be filled, and thereafter the number of colonels of artillery shall not exceed 13; and the provisions of the foregoing sections of this act shall take effect on August 15, 1903."

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. I ask that the papers which I send to the desk may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The papers referred to are as follows:

The act of April 22 or 23, 1898, prescribed that the Army should be organized into brigades in time of war—three regiments to a brigade.

The act of February 2, 1901, authorized 30 regiments of infantry and 15 regiments of cavalry, besides the artillery; in other words, 45 regiments, for which 15 brigadier-generals were asked. This is what established the number.

The militia act requires the militia of the several States to be organized similarly to the Regular Army, and one of the first questions asked by the militia authorities was whether they would be required to abandon their brigade organizations. It is not intended that the militia organizations of brigades and divisions shall be disturbed, and in order that the law may be complied with it is the intention of the War Department to direct the regiments of the Regular Army to be announced in brigade organizations.

The number of 15 brigadier-generals was adopted after mature consideration and not as a mere abstract matter. The number of colonels of artillery was fixed at 13, and the ratio of officers of all other grades in that arm are based on 13. The additional colonel, the fourteenth, being added for detail as chief of artillery as an extra colonel.

WAR DEPARTMENT,
Washington, February 25, 1903.

MY DEAR SENATOR: I beg to call your attention to the operation of the provision which was added to the general staff bill in conference relating to the reduction in the number of brigadier-generals consequent upon giving that rank to the Chief of Artillery. The act of February 2, 1901, provided for an extra colonel of artillery in order that one of the colonels might serve as chief of the corps. The provision referred to reduces the number of brigadier-generals, which had been fixed at fifteen with reference to the requirement of the enlarged Army for general officers, but leaves the extra artillery colonel which had been fixed with reference to having a colonel of artillery act as Chief of Artillery. It seems to me that the provision ought to have cut off the fourteenth colonel instead of cutting off one of the brigadier-generals. We are proposing to make brigade organizations of the Army, and it is very important to have brigadier-generals.

The number was fixed after very thorough consideration, and the increase in rank of the Chief of Artillery makes no change whatever in his duties, or in the requirements for brigadier-generals of the line, while it does give us a superfluous colonel of artillery. There are 45 regiments of infantry and cavalry, and the law provides that three regiments shall constitute a brigade, so that we have now only the exact number of brigadier-generals necessary to command brigades, to say nothing of the details which it will be necessary

for us to make from the list of brigadier-generals to special service in the general staff and otherwise.

I suggest that in some one of the bills now pending a clause be introduced which changes the reduction of the number of brigadier-generals to a reduction of the number of colonels of artillery. The difference in cost will be but trifling, and it means getting rid of a superfluous officer instead of getting rid of an officer who is very much needed.

Faithfully, yours,

ELIHU ROOT,
Secretary of War.

HON. REDFIELD PROCTOR,
United States Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE PHILIPPINE ISLANDS.

Mr. LODGE. Mr. President, I ask unanimous consent that the remarks made by the Senator from Nebraska [Mr. DIETRICH], on the 13th instant, in which are included various tables and statistics relating to expenditures, etc., in the Philippine Islands, may be printed as a document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

PRIVATE CORPORATIONS IN ALASKA.

Mr. NELSON. I now call up for consideration the conference report which I made yesterday on the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska. The report is printed in the RECORD of yesterday's proceedings, and it has also been printed as a document.

The PRESIDING OFFICER. The report was printed in the RECORD of yesterday's proceedings. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I now call up for consideration the conference report which I presented yesterday on the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts asks for the consideration of the report named by him, which was read in full to the Senate yesterday.

Mr. HOAR. Yes; it was read yesterday.

Mr. President, all I wish to say at this time is that this bill was very thoroughly discussed in all its details; that it passed the Senate by a large majority; and that there have been some changes made in it in conference, all of them, I think—unless it be some very minor matter which does not occur to me now—yielding very considerably to the objections of the minority. Under such circumstances it never has been the practice of the Senate when the body in a constitutional way has expressed its mind after full debate to renew the debate. I do not, therefore, propose to renew it; and I hope we shall have a vote upon the adoption of the conference report.

PROPOSED ANTITRUST LEGISLATION.

Mr. BLACKBURN. Mr. President, I move that the Senate now proceed to the consideration of House bill No. 17, known as the Littlefield antitrust bill, as amended by the Senate Committee on the Judiciary.

Mr. ALDRICH. I ask for the yeas and nays on that motion.

Mr. HOAR. Mr. President, I desire to inform the Senator from Kentucky that if he will allow the pending matter to be disposed of, I should like myself to make the motion which he has made.

Mr. BLACKBURN. I shall be delighted to have the Senator from Massachusetts make that motion.

Mr. HOAR. Very well. If I may be permitted to say—

Mr. ALDRICH. I rise to a point of order, Mr. President.

Mr. HOAR. Am I not to be allowed to make a suggestion to the Senator who makes this motion?

Mr. ALDRICH. It strikes me that it is establishing a bad precedent to discuss these various bills upon a question which is not debatable.

Mr. HOAR. I do not propose to discuss the bill. I desire to make, if the Senator will listen to me—and perhaps he will be courteous enough to me to do that—

Mr. ALDRICH. I suppose I shall have to waive the rules of the Senate for the Senator.

Mr. HOAR. I think the Senator from Rhode Island might withdraw his point of order while I state that being in charge of the antitrust bill, which is one reported to the Senate by the Judiciary Committee by a large majority and committed to my charge as chairman of the committee, it is my purpose to call it up at the first practicable opportunity; but a conference report at any time takes it right off its feet, as the Senator from Kentucky knows very well.

Mr. BLACKBURN. Oh, no.

Mr. HOAR. If the Senator will delay presenting his motion until the conference report is disposed of, I will consent—

Mr. ALDRICH. I shall have to insist on my point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] makes the point of order that debate on a motion to proceed to the consideration of a bill is not in order; and the point of order is sustained.

Mr. BERRY. I call for the yeas and nays on the motion.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BLACKBURN] moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 17) requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes.

Mr. HOAR. I rise to a point of order that that motion is not in order pending a conference report.

Mr. BLACKBURN. May I be heard, Mr. President, on the point of order?

The PRESIDING OFFICER. The Chair is ready to rule that the motion is in order.

Mr. BLACKBURN. Then, Mr. President, I have nothing to say.

Mr. QUAY. Mr. President, I desire to say, before the vote is taken upon this motion, that I am somewhat embarrassed as to my vote, but I have concluded to vote. Under the rule of the Senate a Senator who is personally interested in a question has the right to be excused from voting. If this were a vote directly upon the bill, and not merely as to the order of business, I should ask to be excused, for the reason that I own stock in corporations, which I suppose will be treated as trusts under the legislation proposed. But as the question is one simply of the order of business, and as I do not believe the business of the Senate is going to be facilitated by the consideration of the bill referred to, I will take the liberty to vote upon the preliminary question, though if the bill comes up I shall ask to be excused from voting upon it.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BERRY] has called for the yeas and nays on the motion of the Senator from Kentucky [Mr. BLACKBURN].

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I am paired with the Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLaurin]. If he were present, I should vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not know whether he has voted; but as I do not see him in the Chamber, I will withhold my vote. If he were present, I should vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. I understand that the Senator from Indiana [Mr. BEVERIDGE] is paired with the Senator from Montana [Mr. CLARK], and, with his consent, I will transfer my pair, so that the Senator from West Virginia will stand paired with the Senator from Montana, which will leave the Senator from Indiana and myself at liberty to vote.

Mr. BEVERIDGE. That is agreeable to me, and I vote "nay."

Mr. TALIAFERRO. I vote "yea."

The roll call was concluded.

Mr. HANSBROUGH. I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. I suggest to the Senator from North Carolina [Mr. SIMMONS] that we exchange pairs, so that the Senator from Virginia will stand paired with the Senator from Minnesota [Mr. CLAPP], and we may both vote. If that is agreeable, I will make the transfer and vote. I vote. I vote "nay."

Mr. SIMMONS. That is agreeable to me. I vote "yea."

Mr. KEARNS. I have a general pair with the Senator from Montana [Mr. GIBSON]. In his absence, I withhold my vote.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON]. If he were present, he would vote "nay," I presume, and I should vote "yea."

Mr. McLaurin of Mississippi. I wish to announce that my colleague [Mr. MONEY], who is unavoidably absent on account of sickness, is paired with the junior Senator from Iowa [Mr. DOLLIVER]. If my colleague were present, he would vote "yea."

Mr. CLAY. I have been requested to state that the junior Senator from Louisiana [Mr. FOSTER] is confined at home on account of sickness, and that he is paired with the junior Senator from North Dakota [Mr. McCUMBER]. If present, the Senator from Louisiana would vote "yea."

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. ALDRICH. The Senator from Missouri has just announced the pair.

Mr. ALLISON. Very well; I reannounce it, as the Senator from Missouri has left the Chamber. If he were present, I should vote "nay."

The result was announced—yeas 28, nays 38; as follows:

YEAS—28.

Bacon,	Culberson,	McLaurin, Miss.	Rawlins,
Bailey,	Dubois,	Mallory,	Simmons,
Bate,	Harris,	Martin,	Taliaferro,
Berry,	Heitfeld,	Morgan,	Teller,
Blackburn,	Jones, Ark.	Nelson,	Tillman,
Carmack,	McComas,	Patterson,	Turner,
Clay,	McEnery,	Pettus,	Wellington.

NAYS—38.

Aldrich,	Dietrich,	Hanna,	Platt, N. Y.
Alger,	Dillingham,	Hansbrough,	Proctor,
Bard,	Dolliver,	Hoar,	Quay,
Beveridge,	Dryden,	Kean,	Simon,
Burnham,	Fairbanks,	Kittredge,	Spooner,
Burrows,	Foraker,	Lodge,	Stewart,
Clark, Wyo.	Foster, Wash.	Millard,	Warren,
Cullom,	Frye,	Mitchell,	Wetmore.
Deboe,	Gallinger,	Perkins,	
Depew,	Gamble,	Platt, Conn.	

NOT VOTING—22.

Allison,	Elkins,	Kearns,	Pritchard,
Burton,	Foster, La.	McCumber,	Quarles,
Clapp,	Gibson,	McLaurin, S. C.	Scott,
Clark, Mont.	Hale,	Mason,	Vest.
Cockrell,	Hawley,	Money,	
Daniel,	Jones, Nev.	Penrose,	

So the Senate refused to consider the bill.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. The matter now before the Senate is the conference report submitted by the Senator from Massachusetts [Mr. HOAR].

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. I ask the Senator from Illinois to yield to me in order that I may withdraw a motion which I made.

Mr. CULLOM. I will yield to the Senator for that purpose.

Mr. McCUMBER. Mr. President, I made a motion yesterday to reconsider the vote by which the conference report on the Indian appropriation bill was adopted. I wish to state now that I will withdraw my motion for a reconsideration. I desire to say, however, that there is that in the bill which conscientiously I can not vote for; but feeling that the opposition which would arise if the report were reconsidered would absolutely destroy the bill, so that it could not pass at this session, and under great pressure from other members of the Committee on Indian Affairs, I withdraw my motion for a reconsideration of the vote by which the conference report was adopted.

The PRESIDENT pro tempore. The Senator from North Dakota withdraws his motion to reconsider the vote by which the conference report on the Indian appropriation bill was adopted.

EXECUTIVE SESSION.

Mr. CULLOM. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty minutes spent in executive session the doors were reopened.

TARIFF IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and to be printed:

To the Senate:

I have just received a cable from Governor Taft which runs as follows: "Necessity for passage House tariff bill most urgent. The conditions of productive industry and business considerably worse than in November, the date of last report, and growing worse each month. Some revival in sugar, tobacco prices due to expectation of tariff law. The interests of Filipinos in sugar and tobacco extensive, and failure of bill will be blow in face of those interests. Number of tobacco factories will have to close, and many sugar haciendas will be put up for sale at a sacrifice, if the bill will not pass. Customs receipts have fallen off this month one-third, showing decrease of purchasing power of islands. General business stagnant. All political parties, including labor unions, most strenuous in petition for tariff bill. Effect of its failure very discouraging."

Vice-Governor Luke Wright indorses in the strongest manner all that Governor Taft has said, and states that he has the gravest apprehension as to the damage that may come to the islands if there is not a substantial reduction in the tariff levied against Philippine goods coming into the United States. I very earnestly ask that this matter receive the immediate attention of Congress and that the relief prayed for be granted.

As Congress knows, a series of calamities have befallen the Philippine people. Just as they were emerging from nearly six years of devastating warfare, with the accompanying destruction of property and the breaking up of the bonds of social order and the habits of peaceful industry, there occurred an epidemic of rinderpest, which destroyed 90 per cent of the carabao, the Filipino cattle, leaving the people without draft animals to till the land or to aid in the ordinary work of farm and village life. The extent of the disaster

can be seen from the fact that the surviving carabao have increased over tenfold in value. At the same time a peculiar oriental horse disease became epidemic, further crippling transportation. The rice crop, already reduced by various causes to but a fourth of its ordinary size, has been damaged by locusts, so that the price of rice has nearly doubled.

Under these circumstances there is imminent danger of famine in the islands. Congress is in course of generously appropriating \$3,000,000 to meet the immediate needs; but the indispensable and preeminent need is the resurrection of productive industry from the prostration into which it has been thrown by the causes above enumerated. I ask action in the tariff matter, not merely from the standpoint of wise governmental policy, but as a measure of humanity in response to an appeal to which this great people should not close its ears. We have assumed responsibilities toward the Philippine Islands which we are in honor bound to fulfill. We have the specific duty of taking every measure in our power to see to their prosperity. The first and most important step in this direction has been accomplished by the joint action of the military and civil authorities in securing peace and civil government. The wisdom of Congress at the present session has provided for them a stable currency, and its spirit of humane liberality and justice toward them will be shown in the appropriation now substantially agreed upon of \$3,000,000 to meet the pressing, immediate necessities; but there remains a vital need that one thing further shall be done. The calamities which have befallen them as above enumerated could have been averted by no human wisdom. They can not be completely repaired; but the suffering can be greatly alleviated and a permanent basis of future prosperity assured if the economic relations of the islands with the United States are put upon a satisfactory basis.

THEODORE ROOSEVELT.

WHITE HOUSE, February 27, 1903.

JOHN WESLEY.

Mr. BACON. I introduce a joint resolution which I would like to have read in full, and then I will ask that it may be considered at the present time.

The joint resolution (S. R. 169) providing for the placing of bronze tablets on the custom-house and post-office building in Savannah, Ga., was read the first time by title and the second time at length, as follows:

Resolved, etc. That the Secretary of the Treasury is hereby authorized to permit to be placed on the United States custom-house at Savannah, Ga., a bronze tablet commemorative of the fact that in a public building then on said site, which had been erected by Oglethorpe, John Wesley preached his first sermon in America, March 7, 1738.

The Secretary of the Treasury is further authorized to permit to be placed on the United States post-office building in Savannah, Ga., a bronze tablet commemorative of the fact that in a public building then on said site, which had been erected by Oglethorpe, John Wesley preached periodically from May 9, 1738, to November 27, 1737.

The tablet shall in each instance be affixed to the building at such place and in such manner as the Secretary of the Treasury shall direct, and shall be of such size and shape and shall contain such inscription as shall be approved by him, the same to be done without any expense to the Government.

Mr. BACON. Mr. President, I beg to call the attention of the Senate to the fact that unless the joint resolution is acted upon immediately it will be of no avail. The purpose is to commemorate the fact that John Wesley preached his first sermon in Savannah, in 1738, in a building which had been erected by James Oglethorpe, upon the site now occupied by the United States custom-house, and the further fact that he preached some eighteen months in another building, also erected by Oglethorpe, upon the site now occupied by the Federal court building.

I will simply add that the necessity for the joint resolution grows out of the fact that the Secretary of the Treasury, after due consideration, has determined that he has not the authority to permit these tablets to be affixed to those buildings. The facts thus sought to be commemorated are of great historic interest, and I trust that the joint resolution may be immediately passed, in order that it may be at once transmitted to the other House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPORTATION OF BREEDING ANIMALS.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 16656) regulating the importation of breeding animals.

The PRESIDENT pro tempore. This bill has been read on a previous day. If there be no objection, it will not be read again. Is there objection to its consideration?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. SPOONER. There is an amendment.

The bill was reported from the Committee on Finance with an amendment, at the end of line 17, page 2, to add the following additional proviso:

And provided further, That the provisions of this act shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of custom or other officers of the United States at the date of the passage of this act.

The amendment was agreed to.

Mr. SPOONER. I move to amend the bill by inserting after the word "imported," in line 9, on the first page, the words "by a citizen of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CULLOM. Mr. President, I wish to say one word before the bill passes. When it came up some days ago, as I had received several letters opposing the bill just before it was called up, I objected to its consideration at that time. I desire to have it understood that I do not object to it since I have looked into it further, and that I favor the passage of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ST. FRANCIS RIVER BRIDGE, ARKANSAS.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGREEMENT WITH SIOUX INDIANS OF ROSEBUD RESERVATION.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 7390) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 5, page 9, line 18, after the word "act," to insert "and amended agreement;" so as to make the section read:

SEC. 5. That this act and amended agreement shall take effect only upon the acceptance thereof and consent thereto by the Rosebud Indians, in manner and form prescribed by the sixth article of the agreement herein as amended, which said acceptance and consent shall be made known by proclamation by the President of the United States upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said sixth article of said agreement, which proof shall be presented to him within two years from the passage of this act, and upon failure of such proof and proclamation this act becomes of no effect and null and void.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 7. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

The amendment was agreed to.

Mr. DUBOIS. I will ask the Senator who has charge of this bill—I could not hear the reading in the confusion which existed—if the treaty did not provide that these lands should be open to free homestead settlement?

Mr. GAMBLE. No, sir. The original bill, which was passed at the last session of Congress, provided free homes. This bill is changed in that particular and provides for the settlers paying \$2.50 an acre.

Mr. DUBOIS. I trust, Mr. President, that that provision will not be passed. I think the free-home provision ought to stay in the bill. I hope the Senate will not pass any bill buying Indian reservations and charging settlers for the land. I see no reason why Congress should do that.

A free-homes bill was passed a few years ago, relieving all those who had gone on Indian reservations and taken up lands from paying the money which they had agreed to pay when they went on those lands. We had an illustration in my own State of the opening of an Indian reservation and charging \$3.75 an acre for the land. It was the best land in the State. Settlers went on there, taking the lands with the understanding that they were to pay \$3.75 an acre for them. The proposition confronted us to pass a free-homes bill to be applied to all reservations, to lands which had been opened previous to the passage of that bill. The bill was passed a year or two ago. I had the honor of being chairman of the Public Lands Committee of this body when that proposition was urged, and I opposed it unless it were made to apply to all future purchases of Indian reservations. So long as I had the honor of being the chairman of that committee the free-homes bill was not passed. Finally the bill went to the Committee on Indian Affairs, and I think came out from that committee.

The argument made then is good now, and is always good. The men who go out there representing the Government to make treaties with the Indians are besieged by the people living around the reservation to make a treaty, no matter how much they have to pay for the lands. All the white people urge that to be done.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. There is nothing pending before the Senate unless the Senator objects to the further consideration of the bill.

Mr. DUBOIS. Will the Senator from South Dakota not accept an amendment providing for free homes, as was provided for in the original bill?

Mr. GAMBLE. At the last session of Congress this bill was passed with the free-homes provision, which was insisted upon here. It has met with serious objection in the other House, and can not be carried through there. The bill has been amended to meet those objections; and we prefer to have the bill passed in its present form. Should the bill go to the other House containing the free-homes amendment, it would meet the fate of the bill passed last year. We are very anxious to have this bill in its present form. The delegation of the State of South Dakota is satisfied with it under existing conditions, and I trust no objection will be interposed by the Senator from Idaho.

Mr. DUBOIS. Mr. President, I have been maintaining my present position for several years, and it is a correct position. I think now, while I myself am besieged by my own people to have the price of land reduced from that provided for in the treaty stipulation when it was passed a couple of years ago, and approved by all our Senators and Representatives, still they afterwards come here asking Congress to take away from them the direction to pay for those lands at the stipulated price, and they ask to be relieved from paying what they agreed to pay when the act was passed through Congress, I do not feel as though I could give my consent that the bill be amended in this way.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HEMENWAY, and Mr. McRAE managers at the conference on the part of the House.

COURTS IN INDIAN TERRITORY.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, in line 5, after the name "Duncan," to insert the word "and;" after the word "and" to strike out "Maryetta" and insert "Marietta;" in line 6, after the name "Marietta," to strike out "and Comanche;" and the court held at Ryan, in said Territory, is hereby discontinued and the records thereof transferred to the town of Comanche;" in line 11, after the name "Duncan," to strike out "Maryetta" and insert "and Marietta," and in the same line, after the name "Marietta," to strike out "and Comanche;" so as to make the bill read:

Be it enacted, etc., That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the towns of Duncan and Marietta, and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said courts hereby created in the said towns of Duncan and Marietta, respectively.

The amendments were agreed to.

Mr. BAILEY. The Senator from Arkansas [Mr. BERRY] has an amendment which he desires to offer.

Mr. BERRY. I offer the amendment which I send to the desk as an additional section to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following as a new section:

SEC. 2. That in addition to the places now provided by law for holding courts in the western judicial district of Indian Territory, courts shall be held Wetumpka, Creek Nation; and all laws regulating the holding of courts in Indian Territory shall be applicable to the courts at said places.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill establishing United States courts at Duncan and Marietta, Ind. T., and for other purposes."

GOVERNMENT OF GUAM.

Mr. FORAKER. Some days ago the bill (S. 6599) to provide a government for the island of Guam, and for other purposes, and also Senate bill 7054, providing similarly for the island of Tutuila, were considered by the Senate as in Committee of the Whole, and reported to the Senate with the amendments made as in Committee of the Whole. At that point the Senator from Georgia [Mr. BACON] asked to offer an amendment. The bill then went over. I desire now that those two bills may be considered. I first ask unanimous consent for the consideration of Senate bill 6599.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (S. 6599) to provide a government for the island of Guam, and for other purposes.

The PRESIDENT pro tempore. The bill is now in the Senate. The question is on concurring in the amendments heretofore made as in Committee of the Whole.

The amendments were concurred in.

Mr. BACON. Mr. President, I offer as an amendment, to be known as section 6 of the bill, that which I now send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill as a new section the following:

SEC. 6. Unless Congress shall otherwise direct, this act shall not continue in force and effect beyond the 3d day of March, 1905.

Mr. FORAKER. I accept that amendment, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Georgia.

The amendment was agreed to.

Mr. FORAKER. The Senator from Oregon [Mr. SIMON] has an amendment which he desires to offer.

Mr. SIMON. Mr. President—

Mr. SPOONER. I desire to inquire what is the object of the amendment offered by the Senator from Georgia?

Mr. BACON. I will state to the Senator very frankly. The bill is one which imposes upon the President the duty and gives him the power of unlimited legislation and all the powers of government similar to the amendment the Senator from Wisconsin [Mr. SPOONER] offered to the bill which was passed in reference to the Philippine Islands.

I recognize the fact, as stated by the Senator from Ohio [Mr. FORAKER], that these are very small pieces of territory and that it is impossible at this time, or at any time perhaps, to frame a civil government for them which will be satisfactory, or which will be justified by the number of people there. At the same time I dislike to see upon the statute books an indefinite and unlimited power of the Executive to perform all the three functions of government. Therefore, I simply propose that there shall be upon this bill the same limitation which the Senator will remember was upon the original Louisiana resolution.

It will be in the power of Congress to continue the government set up there if it be one that shall be approved by Congress after examination; and it struck me as being an entirely conservative amendment and, at the same time, one that will not in any manner interfere with the proper government of the islands.

Mr. FORAKER. I have accepted the amendment because we shall have all the next Congress in which to determine, after we see how the law works, whether or not we want it changed or continued.

Mr. SPOONER. Has the Senator provided for a report to Congress?

Mr. FORAKER. I have not. I simply say that the government shall be conducted in such a way as the President shall direct.

Mr. HOAR. I should like to ask a question in that connection. I ask why it is that these insular possessions of ours, as they are called, are now continued under the War Department?

Mr. FORAKER. They have been continued under the Navy Department, if the Senator will allow me to correct him.

Mr. HOAR. Guam is under the Navy Department, I know—

Mr. FORAKER. So is Tutuila.

Mr. HOAR. But the Philippine Islands are under the Department of War.

Mr. FORAKER. The junior Senator from Massachusetts [Mr. LODGE], who is chairman of the Committee on the Philippines, can better answer that question than can I.

Mr. HOAR. I understand; but I should like to know, if any Senator can inform me, why the Philippine Islands, which are claimed to be under a civil government and in the establishment of which there has been enacted very largely Magna Charta and the Constitution, are still kept under the War Department?

Mr. FORAKER. Mr. President, as I said a moment ago, the Senator who is chairman of the Committee on the Philippines can answer as to that better than I can.

As to the two islands of Tutuila and Guam, they are both under the Navy Department; and they are there because Congress has never legislated with respect to them; and we are embarrassed all the time because there has been no act of Congress relating to them.

Mr. HOAR. Why are they kept under the Navy Department? Why is it that we are legislating over a community of about nine or ten thousand people, as I understand?

Mr. FORAKER. There are about 9,000 people in Guam.

Mr. HOAR. Why is it that such a people is kept under a beligerent department of the Government?

Mr. FORAKER. They have been kept under that Department simply because Congress has chosen to take no action. I have been trying ever since I have had any right to initiate legislation for those islands to get Congress to legislate. Now I am about to get some legislation, the best, I think, that can be provided under the circumstances, and I think it of the highest importance that we provide this legislation now.

The Senator from Georgia [Mr. BACON] has offered an amendment, which I have accepted, providing that this legislation shall not continue in force and effect beyond the 4th of March, 1905, which will give us all of the next Congress in which to consider what better form of government, if any, we can provide, and I think the Senator from Massachusetts will appreciate the importance of our having some kind of legislative action.

Mr. HOAR. Mr. President, I do not rise at this time to make criticisms on the Senator's plan of government. I realize the difficulty which his committee is under, and I realize the capacity of that committee to deal with such difficulty. I do not want to make small criticisms when there is no time to reconstruct our policy, but I want to take occasion to say what I have thought and intended to say for some time—that if anything could show the utter unfitness of this country, as we are constituted to transact business, to govern dependencies thousands and thousands of miles off, it is the fact that they have to wait for their legislation. Not only these 9,000 people in Guam, but the 9,000,000 people in the Philippine Islands, have to wait in the first place for such information as is filtered through the War Department and the Navy Department to Congress, and then, in time of peace, years after we have established our claim to rule over them, they are kept under the Departments of War and of the Navy, whose law is secrecy and arbitrary power—the rule of one man.

A very interesting instance of that thing has come up during the present session. Mabini is one of the ablest men of this generation. Nobody will question that. He was the author of Aguinaldo's constitution, which was an admirable constitution. He is the author of many great state papers; he is the author of the reply to President McKinley; and when he replied to President McKinley, President McKinley was answered by a foeman worthy of his intellectual steel. That man was a paralytic; his lower limbs had withered; his flesh had shrunk away until he weighed no more than 90 pounds; and he was kept in prison in Guam because he would not take the oath of allegiance to the United States in Guam. He said that other men had been allowed to take the oath in the Philippine Islands, and that he did not know, and could not know until he went to his home, what the condition of things was in the Philippine Islands, and that as the grave was just opening for him he would not make the last important act of his life an act of dishonor.

If you had read that in Plutarch, you would have thought that it was one of the great heroes of antiquity who had assumed that attitude; if you had read of it in our Revolutionary times as an utterance of Ethan Allen or Sam Adams or Laurens it would have been one of the proudest facts in American history, and would have been the theme that would have stirred the blood and quickened the pulse of great gatherings anywhere on American soil. That man was kept, under those circumstances, a prisoner in the island of Guam. I offered a resolution of inquiry here as to why that man was kept a prisoner, and the answer came from

the Executive that, of course, he was not a prisoner; that he had been at liberty to go anywhere on the face of the earth he wanted since about the middle of July, when an order to that effect had gone out; a copy of the order was sent in here; and yet such is the impossibility of a fitting rule of such possessions that it turned out that, although that order went on the 15th of July, it had not been obeyed up until the last few days in October. At least when General Miles, traveling there, stopped at Guam he found Mabini in prison under the charge of a company of marines, and a marine marching backward and forward before his door with a loaded musket.

Of course nobody questions the absolute good faith of the President; nobody questions the absolute good faith of the Secretary of War, who was the means of transmitting that order; but it is so impossible to govern men who are dependent, who are not heard themselves, and who have no votes and no rights, at a distance of thousands of miles off, that the foremost man in the Eastern Hemisphere at this moment in character, in intellect, and in fame was kept in prison—I will not say a dungeon—was kept in a prison several months after the order had gone out there to set him free.

That is the kind of rule we are going to have so long as we claim the right to govern and to tax men who have no votes and who have no representation, and to deal with men whose constitutional rights have got in the final resort to be determined by a court 8,000 miles away, and by a Congress who can not find time—while they are filibustering about this, that, or the other measure here—even to listen to their complaints, and a President who does not know for three months after he has given an order to release an illustrious patriot whether the order has been disobeyed or not.

Mr. SIMON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 7. That writs of error and appeals from the final decisions of the highest court of the said island of Guam shall be allowed and may be taken to the circuit court of appeals for the ninth circuit in the same manner and under the same regulations and in the same cases as writs of error and appeals now taken from the supreme courts of the Territories of the United States; and such writs of error and appeal to the circuit court of appeals for the ninth circuit shall be allowed in all cases where the Constitution of the United States or a treaty thereof or an act of Congress is brought in question and the right claimed thereunder is denied, and in all other cases where writs of error and appeals are allowed from the supreme courts of the Territories of the United States.

Mr. BACON. What is the amendment?

Mr. FORAKER. It simply attaches the island of Guam to the ninth circuit, and provides that appeals may be taken to the United States circuit court of appeals.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE ISLAND OF TUTUILA, ETC.

Mr. FORAKER. I now ask for the consideration of the bill (S. 7054) to provide a government for the island of Tutuila and the islands adjacent thereto within the jurisdiction of the United States. It will take only a moment. It is in the same state that the other bill was—in the Senate and open to amendment.

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. BACON. I offer the same amendment which I submitted to the other bill.

Mr. FORAKER. I accept the amendment.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 8. Unless Congress shall otherwise direct, this act shall not continue in force and effect beyond the 3d day of March, 1905.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS. I ask for the present consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States. The bill has been read and certain amendments have been agreed to.

Mr. GALLINGER. I wish to be heard briefly on the bill, not to any great extent.

Mr. FAIRBANKS. I do not understand that the Senator from New Hampshire objects to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The bill has been in the Senate as in Committee of

the Whole, and certain amendments reported by the committee were agreed to, as the Chair understands.

Mr. FAIRBANKS. That is correct. Section 3 was passed; that is the only section, I believe, which has not been considered.

The PRESIDENT pro tempore. Does the Senator mean passed over?

Mr. FAIRBANKS. It was passed over. I am instructed by the committee to amend the bill by striking out that section.

Mr. FORAKER. Is that section 3?

Mr. FAIRBANKS. The entire section 3.

Mr. FORAKER. That is the educational qualification?

Mr. FAIRBANKS. The educational test. There are some Senators who object to it, and the session is so far advanced that its consideration may endanger the passage of the bill, which contains many excellent provisions. The committee, therefore, has instructed me to move to amend the bill by striking out section 3.

The PRESIDENT pro tempore. The amendments made as in Committee of the Whole, if there be no objection, will be regarded as concurred in in the Senate, and the Senator from Indiana now offers an amendment which will be stated.

The SECRETARY. It is proposed to strike out all of section 3.

The amendment was agreed to.

Mr. CLAY. I desire to inquire if there are any further committee amendments to be offered?

Mr. FAIRBANKS. I have no other amendments to offer on behalf of the committee.

Mr. CLAY. I understood from the Senator from Indiana that the junior Senator from Massachusetts had agreed to an amendment that was to be offered by the committee, striking out that feature which provides that insane persons or persons who come to this country from foreign countries and become insane within two years after they arrive here shall be deported to the country whence they came. That was to be stricken out, I understood.

Mr. FAIRBANKS. The committee did not, so far as I am aware, agree to the amendment, but the junior Senator from Massachusetts did. If the Senator will offer an amendment to that effect, I think there will be no objection to it.

Mr. CLAY. I understood the chairman of the committee was to offer an amendment, and that it had been agreed upon.

The PRESIDENT pro tempore. Will the Senator from Georgia direct attention to the amendment he proposes?

Mr. CLAY. I will as soon as I can get a copy of the bill. I thought the amendment had been drawn. I understood that the chairman of the committee was to offer it. It was agreed to. I will find it, I think, in one minute.

Mr. FAIRBANKS. The chairman of the committee is necessarily absent from the Chamber.

Mr. HOAR. While the Senator from Georgia is finding that, I desire to inquire whether the amendment which I introduced and had referred to the committee, which I understood they had accepted unanimously, is in the bill? I refer to the amendment to the effect that if a person is found on the voyage to be afflicted with disease, he may be detained for a certain time to determine whether the disease is curable.

Mr. FAIRBANKS. I can not answer the Senator. The Senator's amendment was not brought to my attention.

Mr. DRYDEN. While the Senator from Georgia is looking for the amendment, I wish to ask the Senator from Indiana what head tax it is proposed to charge under the bill as it now stands? What is the head tax provided by the bill?

Mr. FAIRBANKS. The head tax in the bill stands as it was reported from the committee.

Mr. DRYDEN. Three dollars?

Mr. FAIRBANKS. I think it is \$3.

Mr. DRYDEN. If that is true, I move that the head tax be reduced to \$2.

Mr. FAIRBANKS. Yes; I see by reference to the bill that the head tax is \$3.

Mr. DRYDEN. I move to make it \$2.

The PRESIDENT pro tempore. The Senator from New Jersey offers an amendment, which will be stated.

The SECRETARY. In line 4, page 1, it is proposed to strike out "three" and insert "two;" so as to read:

That there shall be levied, collected, and paid a duty of \$2 for each and every alien immigrant, etc.

The amendment was agreed to.

Mr. CLAY. On page 18, commencing in line 5, I move to strike out the following words:

Any alien who becomes a public charge by reason of lunacy, idiocy, or epilepsy within two years after arrival will be presumed to have become such from causes existing prior to landing, unless the contrary be affirmatively shown.

The amendment was agreed to.

Mr. GALLINGER. I will ask the Senator from Indiana if he does not intend to move to strike out certain words in section 34? I refer to the words: "Or other place, subject to the jurisdiction thereof."

I move, in line 16, page 25, to strike out those words.

The section reads:

That for the purposes of this act the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any territory or other place subject to the jurisdiction thereof.

It occurs to me that if we ever get the Panama Canal treaty through, we may not want to be embarrassed by those words in this act, and I hope the Senator will agree that they may go out.

Mr. FAIRBANKS. I do not object to the amendment.

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. In line 16, page 25, after the word "territory," it is proposed to strike out the words "or other place subject to the jurisdiction thereof."

Mr. FAIRBANKS. I think that amendment, if adopted, would—

Mr. KEAN. We can not hear the Senator from Indiana.

Mr. FAIRBANKS. I think that amendment, if adopted, would leave the section rather imperfect.

Mr. GALLINGER. So it would. We will have to correct it.

Mr. FAIRBANKS. There will be some further amendment necessary if this amendment is agreed to.

Mr. GALLINGER. It should be amended, it seems to me, by inserting after the word "waters" the word "or," and after the word "territory" the word "thereof;" so as to read: "United States and any waters or territory thereof."

Mr. FAIRBANKS. Striking out "or other place subject to the jurisdiction thereof?"

Mr. SPOONER. Would not that leave Hawaii and Porto Rico and the Philippines open to paupers and criminals and all the classes who are prohibited by the proposed act from coming into the United States proper?

Mr. GALLINGER. I think not.

Mr. HOAR. Mr. President, it seems to me that the proposed amendment really reconstructs this whole immigration policy. I understand that this immigration policy includes the dependencies of which the Senator from Wisconsin has just spoken. It seems to me we ought not, in a minute or two, to strike that all out. I for one want to know whether this bill, if amended as proposed, will leave them out. It is considered by most people that the unrestricted immigration of Chinese laborers into this country is very bad. Are they to be left to go into our dependencies unrestricted?

Mr. FAIRBANKS. This bill does not affect Chinese immigration.

Mr. HOAR. That is a mere illustration.

Mr. FAIRBANKS. The Chinese are excluded by a law which is not to be affected if the pending bill becomes a law.

Mr. HOAR. I used that merely as an illustration.

Mr. FAIRBANKS. I am not quite satisfied with the section if amended as proposed.

Mr. KEAN. Is this a private conversation between the Senator from Indiana and the Senator from Massachusetts? We can not hear.

Mr. SPOONER. Will the Senator from Massachusetts look at section 4?

Mr. HOAR. I used the Chinese as an illustration. How about lepers; how about insane people; how about paupers?

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. On page 25, line 16, after the word "waters," insert the word "or;" and after the word "territory" strike out the words "or other place subject to the jurisdiction."

The PRESIDENT pro tempore. Will the Senate agree to the amendment?

Mr. HOAR. I object to it. I want to know something about it. It is a very great question, in which the rights of human beings are at stake.

Mr. GALLINGER. I am not hurrying this bill at all.

Mr. HOAR. I understand that.

Mr. GALLINGER. It is quite agreeable to me to have it go over to the next Congress, I will say.

Mr. FAIRBANKS. I am doubtful about the effect of the amendment of the Senator from New Hampshire.

Mr. GALLINGER. I want to have it right.

Mr. FAIRBANKS. Yes; I know that the Senator does.

Mr. MCOMAS. Mr. President—

Mr. HOAR. I have not yielded the floor. The Senator from Wisconsin called my attention to section 2, and I had already thought of section 4.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been

convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, etc.

Then in section 4 is the prohibition of the importation into the United States of women and girls for the purpose of prostitution, and so on.

Now, I want to know, before this amendment is adopted, if anybody will tell me, whether the 10,000,000 people and more for whom we are legislating, against their will, at any rate, have any protection left?

I suppose there never has been a more painful and careful performance of duty than the Committee on Immigration performed in the consideration of this bill. It is a bill which it seems to me has been framed with admirable skill. The committee thought up to this moment that the protection of the 10,000,000 people from these atrocities was necessary and put it in a bill to bring it to pass. Now, we are asked, late in the afternoon, within three days of the end of the session, in a debate which can last but a few minutes, to strike it all out. I want to have that explained by the committee.

Mr. TILLMAN. Mr. President—

Mr. FAIRBANKS. I will say to the Senator from Massachusetts that the committee intended by the provisions of this bill to protect all the people to whom the Senator has referred.

Mr. HOAR. If we strike out these words will they not be left without protection?

Mr. FAIRBANKS. I am inclined to think if the amendment of the Senator from New Hampshire is adopted they will be.

Mr. HOAR. Left without protection?

Mr. FAIRBANKS. Left without protection.

Mr. TILLMAN. Mr. President, it is very evident we are getting a little muddled here. I am very certain I do not know how to vote on this bill now. They have twisted it, and turned it, and changed it, and proposed so many alterations that I do not think the chairman of the committee is prepared to say just what the situation is; and if we are going to vote on the bill to-night, I think we will have to talk a little more. I should like to move an adjournment.

Several SENATORS. No, no!

Mr. FAIRBANKS. Mr. President, this is a very important matter. The bill as it is written received the careful consideration of the committee.

Mr. TILLMAN. But the Senator is accepting every amendment that any Senator offers.

Mr. FAIRBANKS. The Senator from South Carolina is not quite accurate in that statement.

Mr. TILLMAN. Well, the Senator from South Carolina always tries to be. If the Senator from Indiana will cite him to one that he has refused to accept, the Senator from South Carolina will be glad to know of it.

Mr. FAIRBANKS. The principal amendments which have been made have been agreed upon between the Senators offering them and the committee. The amendment proposed by the Senator from New Hampshire has not been accepted by the Senator now in charge of the bill. The Senator in charge of the bill thinks the amendment of the Senator from New Hampshire goes further than that Senator intended it should.

The point the Senator from New Hampshire has in mind is whether the language in section 34 would exclude foreign immigrants from employment in the construction of an isthmian canal if they shall be found to be necessary because of the inhospitable climate upon the Isthmus. The Senator from New Hampshire, if I correctly understand him, does not desire the bill to exclude aliens from employment upon that work if they should be needed. Now, whether the language that he proposes reaches further than the purpose he has in view, is a question. I am inclined to think that it goes further than he intends it should go.

Mr. HOAR. Why would not an amendment giving the President or some department of the Government the power to regulate the admission of persons to the territory covered by the isthmian canal until further action by Congress answer the purpose?

Mr. FAIRBANKS. If the Senator will prepare an amendment to that effect—

Mr. HOAR. It perhaps would cover the purpose sought by the Senator from New Hampshire.

Mr. FAIRBANKS. It would.

Mr. McCOMAS. May I suggest to the Senator that it might be made shorter than that? The phrase, "subject to the jurisdiction of the United States," is the precise phrase of the fourteenth amendment.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

I suggest the insertion of the word "now," so as to read "now subject."

Mr. FAIRBANKS. I think that covers it.

Mr. TILLMAN. I insist upon my motion to adjourn.

Mr. FAIRBANKS. Mr. President—

Mr. DEPEW. I hope the Senator from South Carolina will withdraw his motion. I have a bill here, a little revenue bill of three lines, which I am anxious to have considered.

Mr. TILLMAN. I have been standing here waiting an hour to call up a little bill. Each of a number of Senators wants to get a little bill through, but instead of taking up unobjected bills, we get up and debate them as though we were in regular business session in the morning. This is an important matter. I want restricted immigration, but I confess I am muddled, if the Senator from Wisconsin is not. If he can tell me exactly what this bill means, with all these various amendments, I will be glad to hear it.

Mr. SPOONER. I could, but I will not now.

Mr. CLAY. Will the Senator from South Carolina withdraw his motion for just a moment?

Mr. TILLMAN. The Senator from South Carolina does not want to be obstinate with his colleagues, and of course he will withdraw the motion.

Mr. CLAY. I will state to the Senator from South Carolina that for two months the Committee on Immigration had this bill before them. We had hearings, and gave it most careful consideration, and, in my opinion, with the amendments adopted it is a great improvement over the present law. There is no disagreement; the committee is unanimous, and if we can not vote on the bill this evening the Senator ought to agree to the fixing of some time to-morrow for taking a vote on the bill, so that it may be passed and go back to the House and become a law. It is an important matter.

Mr. FAIRBANKS. Mr. President, I desire to appeal to the Senator from South Carolina to permit us to conclude the bill this evening. It has received very careful consideration, and I think the section to which the Senator from New Hampshire has called attention will be relieved of the objections in his mind by adopting the amendment suggested by the Senator from Maryland [Mr. McCOMAS].

Mr. TILLMAN. In view of what the Senator from Georgia has said, I will withdraw the motion to adjourn.

Mr. FAIRBANKS. Did the Senator from Maryland offer an amendment?

Mr. HOAR. There is one now pending.

Mr. FAIRBANKS. The Senator from Maryland suggested that the word "now" be inserted in line 16, page 25, after the word "place;" so that it will read:

Or other place now subject to the jurisdiction thereof.

I offer that amendment on his behalf.

Mr. GALLINGER. Mr. President, I had intended to make a single observation about this matter. I have not been permitted to do so, because so many other Senators have been discussing it. My sole purpose is to prevent the application of the stringent provisions of this proposed law to the strip of land of which we will have jurisdiction should we ratify the treaty with Panama. My impression is that the amendment suggested by the Senator from Maryland is a better amendment than the one suggested by me.

I had intended to perfect the section by adding two or three words which I think would have made it perfectly plain. If those words had been stricken out, I intended to move to amend it so that it would read "to mean the United States and any waters, territory, or possessions thereof." I think that would have helped us out of the dilemma. But if the insertion of the word "now" will accomplish the same result, that is all I am after, and I withdraw my amendment. I hope that the amendment suggested by the Senator from Maryland will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, I want to occupy a very few minutes in calling attention to this bill, and particularly to one provision in it which I hope will go out by consent, but which I am not rash enough to believe will go out in that way, and perhaps not at all.

The bill as it came from the other body was very hostile to the New England border. Whether it was so intended or not I do not know, but its hostility was written in every line of the first section. The Senate has improved it very much by making sundry amendments, and I will venture to express the hope that the conferees on the part of the Senate may see to it that the amendments made by the Senate are kept in the bill.

I chance to know that there are interests in this country, very powerful interests, that propose to have the bill become a law, if it does become a law, substantially as it came from the other House. I have in my possession a letter which indicates that, and where the statement is made that that result will be accomplished. I hope it will not be accomplished.

Now, Mr. President, here is what I particularly want to call attention to. That I may not be accused of consuming time unnecessarily, I will go directly to it. In section 2, on page 3, the committee, for some reason or other, have gone beyond legislating in reference to immigrants coming into this country and have inserted the contract-labor law in this bill, so that the bill as it stands is not only an immigration bill and will be not only an immigration law if it shall be enacted, but it will be likewise a contract-labor law.

I see no reason. Mr. President, why, when we have a statute at the present time in almost if not identical language with the provision in this bill, and when in the sundry civil appropriation bill we have appropriated \$150,000 to execute that statute, we should transfer it to this bill. I think I know one reason why it is transferred here. I am credibly informed that a very high official in the Immigration Bureau has declared that if that provision is put in this bill, he will see to it that it is applied to the French-Canadians who come from Canada to do work in the New England States.

It will be an injustice to New England. It will be disastrous to our interests to an extent that can not be computed by the Senators who are urging the passage of this bill. And I make an appeal that inasmuch as we have a contract law on the statute book, executed by a great Department of the Government, and we are appropriating all the money they ask to enable them to execute that law, we ought not to transfer that contract-labor law and make it a part of an immigration bill.

Now, Mr. President, that is all I care to say about it. I give notice to the Senators who are here representing New England States that in my judgment if that becomes a part of this law New England will rue the day when this bill passed the Senate of the United States.

I move, Mr. President, to strike out from the bill, commencing on line 19, page 3, these words:

Persons whose migration to the United States has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind, skilled or unskilled, in the United States.

If those words shall go out of the bill we will then have an immigration bill, and if it shall be enacted into a law we will have a law very stringent in its provisions, regulating the coming of immigrants into the United States, and I think that is all we ought to put into an immigration bill.

Mr. PATTERSON. I should like to ask the Senator from New Hampshire a question. Is it the objection to the contract-labor law as it is inserted in the bill that it will be enforced, and is there a suggestion that it is not being enforced?

Mr. GALLINGER. I have not made that suggestion.

Mr. PATTERSON. I know; but if it is the same provision that is already incorporated in the law, what harm can it do to incorporate it in this law?

Mr. GALLINGER. Well, what good can it do?

Mr. PATTERSON. The probability is that it will be placed in the hands of a department that will enforce it, and the probability is that it is not enforced now. I would judge so from the zeal—

Mr. GALLINGER. There is a difference as to how a law is enforced. A law may be enforced sensibly or it may be enforced without much exercise of common sense.

Mr. PATTERSON. A law should be enforced; and from my standpoint the reasons given by the Senator from New Hampshire point very strongly to the propriety of retaining the provision in the bill as reported from the Committee on Immigration.

Mr. GALLINGER. That is where the Senator and I differ. We have this law on the statute book. It is under the jurisdiction of a great Department of this Government. They have asked us for \$150,000 to enforce it, and you will find that appropriation in the sundry civil bill. I have no doubt that the law is being enforced reasonably and justly at the present time. I have no doubt of it in the world.

Mr. PATTERSON. I do not know what the Senator's meaning of the word "reasonably" is.

Mr. HOAR. Mr. President, I should like to ask the Senator who has this bill in charge, or the Senator from New Hampshire, what is the significance of the language which it is moved to strike out:

Persons whose migration to the United States has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind, skilled or unskilled, in the United States.

Is it supposed that the word "migration" only included persons who changed their domicile from one country to another and that crossing the border for a temporary service like that of the woodchopper in Maine or New Hampshire, who comes down from Canada in the dead of winter and goes home again in the spring, was not covered by it?

I sympathize, of course—no Senator from a New England State would fail to sympathize—with the feeling of the Senator from

New Hampshire. We do not want to interrupt this vast Canadian immigration. Those men come down and after a while they stay. When they come to stay they are not induced by a particular offer of a job. They know there are plenty of places in factories for work.

Mr. FAIRBANKS. Mr. President—

Mr. TILLMAN. Mr. President, it is very evident that we can not get a vote on this bill to-night, and I suggest to the Senator from Indiana that he ask that some time be fixed to-morrow when we can discuss it and clarify it a little.

Mr. FAIRBANKS. I will do that if the Senator will allow me just to make an answer to the query of the Senator from Massachusetts. The language to which he has directed attention is found in the existing law.

Mr. HOAR. Yes.

Mr. FAIRBANKS. It has stood there for a good many years. The interpretation put upon it at the time of its passage was the interpretation which the honorable Senator has just now put upon it, and in its enforcement it has been construed in harmony with that interpretation.

Mr. HOAR. Now, if I may go one step further, I understand that that is a reasonable interpretation, that the word "migration" does not mean a man who comes in to stay six weeks, and that that is a change of his domicile. That is the interpretation put upon it by one department of the Government, under which there is no complaint. There is no complaint of labor.

Mr. FAIRBANKS. None whatever.

Mr. HOAR. I suppose the Senator from New Hampshire will agree with me upon this law as interpreted. It is now proposed to reenact the law in a bill which is to be administered by somebody else who a Senator on this floor says he understands has avowed that he takes a different view of the law, and he is going to enforce it in a very different way. Why should that be kept in the bill?

Mr. FAIRBANKS. Mr. President, I should like to ask unanimous consent that this bill may be considered at 12 o'clock to-morrow, and that we may have an early vote upon it.

Mr. TILLMAN. The Senator had better fix the hour.

Mr. McLAURIN of Mississippi. Fix the hour.

Mr. FAIRBANKS. I will change the request and ask unanimous consent that we may vote upon this bill at 12 o'clock to-morrow.

Mr. HOAR. Before that request is agreed to, I should like to ask the Senator from Indiana if he will not consent to the amendment proposed by the Senator from New Hampshire. There can not be much use in putting that provision in the bill.

Mr. FAIRBANKS. I would prefer not to do it at the present time.

Mr. HOAR. Then I object to granting the consent at the present time.

Mr. DUBOIS. We can vote on the amendment to-morrow, I suppose.

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. Yes.

Mr. TELLER. Let us fix a time.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that this measure may be taken up for consideration to-morrow at 12 o'clock.

Mr. FAIRBANKS. And I ask that it may be voted upon at 2 o'clock.

Mr. HOAR. I shall object to a vote until this matter of the amendment is settled.

Mr. DUBOIS. Would that agreement cut out any other amendments?

Mr. FAIRBANKS. No; all pending amendments and amendments offered, as well as the bill itself, would be voted upon.

Mr. HOAR. We may want to discuss it in the Senate. It is an important matter.

Mr. President, my State and your State are—I was going to say full of these people. At any rate, all New England has these Canadian Frenchmen who come over the line. Formerly they were woodchoppers. Now they come for other temporary employment, expecting to go back again; and, so far as I know, there is not a labor union or a walking delegate or anybody else who objects. They come under the construction which has been put on the law by the Department.

Mr. TILLMAN. Mr. President—

Mr. HOAR. And it is a matter which nobody complains of. Now, then, a Senator rises in his seat and says it is proposed to put that provision into a bill to be administered by somebody else; and the Senator from New Hampshire—

Mr. TELLER. Who is that somebody?

Mr. McCOMAS. It is some person in the Bureau of Immigration.

Mr. TILLMAN. Mr. President—

Mr. HOAR. I have not yielded the floor.

Mr. TILLMAN. I will ask the Senator to answer me a question.
Mr. HOAR. Let me finish first the proposition, and then I will yield.

Mr. TILLMAN. Will the Senator answer my question?

Mr. HOAR. I will, in a moment.

Now, the Senator from New Hampshire says he understands that a person is to be charged with the administration of this bill who says that if we pass it he shall construe it in a very different way, excluding all this class of people, who come in in peace and quiet. I do not want to fix a time to cut this question off in the whirl of business to-morrow without having that thing understood.

Mr. TILLMAN and Mr. FAIRBANKS addressed the Chair.

Mr. TILLMAN. I was going to ask the Senator from Massachusetts—

The PRESIDENT pro tempore. Has the Senator from Massachusetts yielded the floor?

Mr. HOAR. I will yield for the question of the Senator from South Carolina.

Mr. TILLMAN. I was going to ask the Senator from Massachusetts how it could be possible that an abuse could grow up in the administration of a law which has been interpreted for a long time by one department of the Government by a change in the policy of another department. Would not that be appealed to the courts? Do your Massachusetts courts take no cognizance of cases where a man's rights are invaded and he is refused the protection which this law or any other law will give him?

Mr. HOAR. This thing is not to be settled by the Massachusetts courts. It is to be settled by the United States courts.

Mr. TILLMAN. Can not the Senator from Massachusetts trust the United States courts? We have to trust them down our way.

Mr. HOAR. When I hear the lion roar in the lobby I would keep him out rather than trust the court to getting him out after he comes in.

Mr. TILLMAN. But if this is already the law, and it is a question of the interpretation of the law, the only objection I can see that the Senator has is that it should not be transferred from one bureau to another.

I suggest to the Senator from Indiana that if he will name 2 o'clock to-morrow as the hour for voting and that we shall take up the bill as soon as we meet, I think we can come to some understanding. At least we can vote in or vote out any amendments we want.

Mr. FAIRBANKS. I ask unanimous consent that the bill and all amendments pending thereto and all amendments which may be offered shall be voted upon at 2 o'clock to-morrow.

Mr. HOAR. I object. If the Senator will look over this amendment and get some solution, as I am quite sure he will, we can vote on it in five minutes.

Mr. FAIRBANKS. I wish the Senator would withdraw his objection, because he is objecting to a matter now in the law. It has never been abused, and there is no reasonable probability of its future abuse.

Mr. HOAR. But I would rather see what conclusion the Senator comes to before I consent.

Mr. FAIRBANKS. The Senator knows that I would not be urgent about this were it not for the fact that it is an important measure. It is a codification of the laws with respect to immigration and contract labor which are found scattered through many volumes. It was suggested by the Immigration Bureau. It received the consideration of the committee for many weeks.

We are nearing the close of the session, and it would be unfortunate to have the bill fail. Its administrative features have been suggested by long experience, and they are of the utmost importance. The purpose of the committee is in entire harmony with the suggestions of the Senators from New Hampshire and Massachusetts. There is no desire to deprive the French Canadians from the privileges they have enjoyed and which they now enjoy. The bill makes no change whatever as to the freedom of their coming and going.

Mr. HOAR. Then, Mr. President, let this amendment be adopted. The bill will have to go into conference. If the Senator finds there is a good reason against retaining the amendment, he will come to a reasonable conclusion.

Mr. FAIRBANKS. I will not agree to the amendment to-night. We can, no doubt, adjust the matter to-morrow, if the Senator shall still think his fears are well founded. May we not have an agreement to vote at 2 o'clock to-morrow?

Mr. GALLINGER. When does the Senator propose to commence the consideration of the bill? We should know when we are to start before we conclude when we shall stop.

Mr. FAIRBANKS. That is a matter—

Mr. HOAR. I object.

Mr. FAIRBANKS. The Senator from Massachusetts objects, and I will simply give notice, Mr. President, that after the routine morning business to-morrow morning, I shall move to take up

the bill for further consideration, and I hope that we may speedily dispose of it. There should be no great difficulty in doing so.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a schedule of all claims allowed by the accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, etc., amounting to \$139,877.37; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes.

PORT OF NIAGARA FALLS, N. Y.

Mr. DEPEW. I ask immediate consideration of the bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement. It is a very short bill of only three lines.

The Secretary read the bill.

Mr. TALIAFERRO. I move that the Senate adjourn.

Mr. DEPEW. I hope the Senator from Florida will let this bill be passed. It is a matter of very small moment. It is a local matter entirely.

Mr. TALIAFERRO. I shall make the motion, then, at the conclusion of this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT STREET RAILWAYS.

Mr. GALLINGER. I ask consent for the consideration of a bill that will take, I think, not a moment. If there is any objection, I will immediately withdraw it. It is Senate bill 7369.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill (S. 7369) to authorize street railway companies in the District of Columbia to convey small freight, express matter, etc.; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. Does the bill authorize the street railway companies to make this transportation at any hour in the day?

Mr. TELLER. That is what I rose to inquire about.

Mr. GALLINGER. I will say that other cities have this very condition of things. It does allow them to put on cars specially for this purpose, just as we have mail cars, not to interfere, of course, with the ordinary traffic.

Mr. TELLER. It seems to me they ought to do this work at night and not in the daytime, or they ought to do it after the usual hours of travel.

Mr. GALLINGER. It is for the convenience of the suburban residents. The Commissioners are in favor of it, and the street railway companies are in favor of it.

Mr. TELLER. Of course they are.

Mr. GALLINGER. And the people are in favor of it. It has been recommended by everybody. I hope the bill may pass.

Mr. HOAR. Is it a House bill?

Mr. GALLINGER. No; it is a Senate bill.

Mr. TELLER. It is not worth while to consider it if it is a Senate bill. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 28, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 27, 1903.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. Lansing H. Beach, Corps of Engineers, to be major, February 20, 1903, vice Lockwood, promoted.

Cavalry Arm.

1. Lieut. Col. Charles Morton, Eighth Cavalry, to be colonel, February 25, 1903, vice Moore, Eleventh Cavalry, appointed brigadier-general.

2. Maj. Henry P. Kingsbury, Third Cavalry, to be lieutenant-colonel, February 25, 1903, vice Morton, Eighth Cavalry, promoted.
3. Capt. Hugh L. Scott, Seventh Cavalry, to be major, February 25, 1903, vice Kingsbury, Third Cavalry, promoted.
4. First Lieut. Edward P. Orton, Second Cavalry, to be captain, February 25, 1903, vice Scott, Seventh Cavalry, promoted.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Charles E. T. Lull, Thirteenth Infantry, from the Infantry Arm to the Artillery Corps, with rank from October, 28, 1902.

PROMOTIONS IN THE NAVY.

1. Lieut. Commander Samuel W. B. Diehl, to be a commander in the Navy, from the 11th day of July, 1902 (subject to the examinations required by law), vice Commander Leavitt C. Logan, promoted.
2. Lieut. (Junior Grade) David W. Todd, to be a lieutenant in the Navy, from the 1st day of September, 1902 (subject to the examinations required by law), vice Lieut. William E. Safford, resigned.
3. Lieut. (Junior Grade) John V. Klemann, to be a lieutenant in the Navy, from the 16th day of September, 1902 (subject to the examinations required by law), vice Lieut. John R. Morris, deceased.
4. Lieut. Harry Hall, to be a lieutenant-commander in the Navy, from the 17th day of September, 1902 (subject to the examinations required by law), vice Lieut. Commander Reginald F. Nicholson, promoted.
5. Lieut. (Junior Grade) Henry V. Butler, to be a lieutenant in the Navy, from the 17th day of September, 1902 (subject to the examinations required by law), vice Lieut. Edward Simpson, promoted.
6. Lieut. (Junior Grade) James J. Raby, to be a lieutenant in the Navy, from the 24th day of September, 1902 (subject to the examinations required by law), vice Lieut. Alfred A. McKethan, retired.
7. Lieut. Edwards F. Leiper, to be a lieutenant-commander in the Navy, from the 1st day of October, 1902 (subject to the examinations required by law), vice Lieut. Commander William V. Bronaugh, deceased.
8. Lieut. (Junior Grade) James E. Walker, to be a lieutenant in the Navy, from the 1st day of October, 1902 (subject to the examinations required by law), vice Lieut. Edwards F. Leiper, promoted.
9. Lieut. William H. Allderice, to be a lieutenant-commander in the Navy, from the 7th day of November, 1902 (subject to the examinations required by law), vice Lieut. Commander Frank A. Wilner, promoted.
10. Lieut. Louis S. Van Duzer, to be a lieutenant-commander in the Navy, from the 21st day of November, 1902 (subject to the examinations required by law), vice Lieut. Commander Charles B. T. Moore, promoted.
11. Lieut. (Junior Grade) Cassius B. Barnes, to be a lieutenant in the Navy, from the 21st day of November, 1902 (subject to the examinations required by law), vice Lieut. William S. Sims, promoted.
12. Lieut. (Junior Grade) Kenneth M. Bennett, to be a lieutenant in the Navy, from the 21st day of November, 1902 (subject to the examinations required by law), vice Lieut. Louis S. Van Duzer, promoted.
13. Lieut. William J. Maxwell, to be a lieutenant-commander in the Navy, from the 2d day of December, 1902 (subject to the examinations required by law), vice Lieut. Commander Alfred Reynolds, promoted.
14. Lieut. (Junior Grade) John F. Marshall, jr., to be a lieutenant in the Navy, from the 2d day of January, 1903 (subject to the examinations required by law), vice Lieut. William S. Montgomery, resigned.
15. Lieut. John F. Luby, to be a lieutenant-commander in the Navy, from the 4th day of January, 1903 (subject to the examinations required by law), vice Lieut. Commander John K. Barton, promoted.
16. Lieut. (Junior Grade) Ernest F. Eckhardt, to be a lieutenant in the Navy, from the 4th day of January, 1903 (subject to the examinations required by law), vice Lieut. John F. Luby, promoted.
17. Commander Holland N. Stevenson, to be a captain in the Navy, from the 10th day of February, 1903 (subject to the examinations required by law), vice Capt. Harrie Webster, retired.
18. Lieut. Commander George H. Peters, to be a commander in the Navy, from the 10th day of February, 1903 (subject to the examinations required by law), vice Commander Holland N. Stevenson, promoted.
1. Lieut. Wilson W. Buchanan, to be a lieutenant-commander in the Navy, from the 2d day of December, 1902, vice Lieut. Commander Ten Eyck D. W. Veeder, promoted.

2. Lieut. (Junior Grade) Thomas D. Parker, to be a lieutenant in the Navy, from the 10th day of February, 1903, vice Lieut. Theodore G. Dewey, promoted.

3. Lieut. (Junior Grade) Jonas H. Holden, to be a lieutenant in the Navy, from the 14th day of February, 1903, vice Lieut. Charles K. Mallory, retired.

1. Paymaster Charles M. Ray, to be pay inspector in the Navy, from the 1st day of July, 1902 (subject to the examinations required by law), vice Hay Inspector Stephen Rand, promoted.

2. Assistant Paymaster Arthur H. Cathcart, to be a passed assistant paymaster in the Navy, from the 9th day of September, 1902 (subject to the examinations required by law), vice Passed Assistant Paymaster David Potter, promoted.

3. Assistant Paymaster Eugene F. Hall, to be a passed assistant paymaster in the Navy, from the 28th day of September, 1902 (subject to the examinations required by law), vice Passed Assistant Paymaster George M. Lukesh, promoted.

4. Pay Inspector James E. Cann, to be a pay director in the Navy, from the 5th day of January, 1903 (subject to the examinations required by law), vice Pay Director Albert W. Bacon, retired.

5. Assistant Paymaster William T. Wallace, to be a passed assistant paymaster in the Navy, from the 5th day of January, 1903 (subject to the examinations required by law), vice Passed Assistant Paymaster Harry H. Balthis, promoted.

6. Passed Assistant Paymaster Charles Conard, to be a paymaster in the Navy, from the 11th day of January, 1903 (subject to the examinations required by law), vice Paymaster John S. Carpenter, promoted.

7. Assistant Paymaster Victor S. Jackson, to be a passed assistant paymaster in the Navy, from the 11th day of January, 1903 (subject to the examinations required by law), vice Passed Assistant Paymaster Charles Conard, promoted.

8. Paymaster Livingston Hunt, to be a pay inspector in the Navy, from the 19th day of January, 1903 (subject to the examinations required by law), vice Pay Inspector Reah Frazer, promoted.

9. Assistant Paymaster John R. Sanford, to be a passed assistant paymaster in the Navy, from the 19th day of January, 1903 (subject to the examinations required by law), vice Passed Assistant Paymaster William T. Gray, promoted.

1. Asst. Surg. Henry E. Odell, to be a passed assistant surgeon in the Navy, from the 8th day of November, 1902 (subject to the examinations required by law), to fill a vacancy existing in that grade on that date.

2. Asst. Surg. James S. Taylor, to be a passed assistant surgeon in the Navy, from the 8th day of November, 1902 (subject to the examinations required by law), to fill a vacancy existing in that grade on that date.

3. P. A. Surg. Sheldon G. Evans, to be a surgeon in the Navy, from the 29th day of November, 1902 (subject to the examinations required by law), vice Surg. Millard H. Crawford, resigned.

4. Surg. David O. Lewis, to be a medical inspector in the Navy, from the 4th day of January, 1903 (subject to examinations required by law), vice Medical Inspector Franklin B. Stephenson, retired.

5. P. A. Surg. Adrian R. Alfred, to be a surgeon in the Navy, from the 4th day of January, 1903 (subject to the examinations required by law (vice Surg. David O. Lewis, promoted).

6. Surg. Howard E. Ames, to be a medical inspector in the Navy, from the 20th day of January, 1903 (subject to the examinations required by law (vice Medical Inspector James R. Waggener, promoted).

7. P. A. Surg. John E. Page, to be a surgeon in the Navy, from the 20th day of January, 1903 (subject to the examinations required by law), vice Surg. Howard E. Ames, promoted.

8. Medical Inspector Thomas H. Streets, to be a medical director in the Navy, from the 31st day of January, 1903 (subject to the examinations required by law), vice Medical Director James A. Hawke, retired.

9. Surg. Frank Anderson, to be a medical inspector in the Navy, from the 31st day of January, 1903 (subject to the examinations required by law), vice Medical Inspector Thomas H. Streets, promoted.

10. P. A. Surg. Middleton S. Guest, to be a surgeon in the Navy, from the 31st day of January, 1903 (subject to the examinations required by law), vice Surg. Frank Anderson, promoted.

Pay Inspector Stephen Rand, to be a pay director in the Navy, from the 1st day of July, 1902, vice Pay Director George E. Hendee, retired.

TO BE LIEUTENANTS (JUNIOR GRADE) IN THE NAVY.

1. John Halligan, jr.
2. William C. Watts.
3. George L. Smith.
4. Wilbur G. Briggs.
5. Fletcher L. Sheffield.

6. Ralph N. Marble, jr.
7. Henry C. Dinger.
8. Lyman A. Cotten.
9. Edward Woods.
10. Louis Shane.
11. Alexander N. Mitchell.
12. Edward W. McIntyre.
13. Frank L. Pinney.
14. William P. Cronan.
15. Ulysses S. Macy.
16. Zeno E. Briggs.
17. William T. Tarrant.
18. Walter B. Tardy.
19. William B. Wells.
20. Clarence A. Abele.
21. Thomas L. Johnson.
22. Yancey S. Williams.
23. Edward T. Constien.
24. George T. Pettengill.
25. John A. Schofield.
26. George C. Sweet.
27. Frank T. Evans.
28. Morris H. Brown.
29. David C. Hanrahan.
30. John F. Babcock.
31. John S. Graham.
32. Charles P. Nelson.
33. Walter G. Roper.

ASSAYER AND MELTER.

Daniel Kirby Pope, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, N. C., to succeed William S. Clanton, resigned. This nomination is made to correct error in the name of Mr. Pope, who was nominated on the 16th day of February, 1903, as David Kirby Pope.

COLLECTOR OF CUSTOMS.

John C. Cline, of California, to be collector of customs for the district of Los Angeles, in the State of California. (Reappointment.)

SURVEYOR OF CUSTOMS.

George L. Godfrey, of Iowa, to be surveyor of customs for the port of Des Moines, in the State of Iowa, to succeed La Fayette Redmon, whose term of office will expire by limitation March 6, 1903.

Benjamin H. Barrows, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska, to succeed Cadet Taylor, whose term of office will expire by limitation March 6, 1903.

POSTMASTERS.

CONNECTICUT.

Wilbur W. Smith, to be postmaster at Seymour, in the county of New Haven and State of Connecticut, in place of Wilbur W. Smith. Incumbent's commission expires March 2, 1903.

KANSAS.

John H. Nichols, to be postmaster at Kiowa, in the county of Barber and State of Kansas, in place of John H. Nichols. Incumbent's commission expired January 27, 1903.

E. V. Peterson, to be postmaster at Norton, in the county of Norton and State of Kansas, in place of Frank M. Lockard. Incumbent's commission expired January 17, 1903.

MASSACHUSETTS.

John S. Fay, to be postmaster at Marlboro, in the county of Middlesex and State of Massachusetts, in place of John S. Fay. Incumbent's commission expired January 19, 1903.

MICHIGAN.

Charles B. Drake, to be postmaster at Lewiston, in the county of Montmorency and State of Michigan. Office became Presidential October 1, 1902.

MISSOURI.

William T. Elliott, to be postmaster at Houston, in the county of Texas and State of Missouri. Office became Presidential January 1, 1903.

Frederick B. Rauch, to be postmaster at Morehouse, in the county of New Madrid and State of Missouri. Office became Presidential January 1, 1903.

Frederick C. Sasse, to be postmaster at Brunswick, in the county of Chariton and State of Missouri, in place of Frederick C. Sasse. Incumbent's commission expired February 10, 1903.

William A. Ulery, to be postmaster at Elsberry, in the county of Lincoln and State of Missouri. Office became Presidential January 1, 1903.

NEW YORK.

Mortimer N. Cole, to be postmaster at Castile, in the county of Wyoming and State of New York, in place of Mortimer N. Cole. Incumbent's commission expires March 2, 1903.

NORTH DAKOTA.

Frederick L. Johnson, to be postmaster at Lakota, in the county of Nelson and State of North Dakota, in place of John S. Metcalf. Incumbent's commission expired February 14, 1903.

OREGON.

William B. Curtis, to be postmaster at Marshfield, in the county of Coos and State of Oregon, in place of William B. Curtis. Incumbent's commission expired January 13, 1903.

PENNSYLVANIA.

Windle W. Montgomery, to be postmaster at Bellefonte, in the county of Center and State of Pennsylvania, in place of Windle W. Montgomery. Incumbent's commission expired February 25, 1903.

Orrin Serfass, to be postmaster at Easton, in the county of Northampton and State of Pennsylvania, in place of Clarence N. Andrews. Incumbent's commission expired February 20, 1903.

TEXAS.

William J. Miller, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas, in place of William J. Miller. Incumbent's commission expired January 13, 1903.

VERMONT.

Buel J. Derby, to be postmaster at Burlington, in the county of Chittenden and State of Vermont, in place of Buel J. Derby. Incumbent's commission expired February 15, 1903.

WISCONSIN.

Frank E. Hurd, to be postmaster at New Lisbon, in the county of Juneau and State of Wisconsin, in place of Frank E. Hurd. Incumbent's commission expires March 3, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1903.

PROMOTIONS IN THE NAVY.

Chief Engineer David Smith, United States Navy (retired), to be a chief engineer in the Navy, on the retired list, with the rank of rear-admiral, from the 3d day of March, 1899, in accordance with the provisions of an act of Congress approved February 5, 1903.

Lieut. William McCarty Little, United States Navy, retired, to be a captain in the Navy on the retired list, from the 21st day of February, 1903, in accordance with the provisions of an act of Congress approved February 21, 1903.

Midshipman John W. Woodruff, to be assistant naval constructor in the Navy from the 12th day of February, 1903.

UNITED STATES ATTORNEY.

Marcus C. McLemore, of Texas, to be United States attorney for the southern district of Texas.

MARSHAL.

Thomas F. McGourin, of Florida, to be United States marshal for the northern district of Florida.

COLLECTOR OF CUSTOMS.

John M. Holzendorf, of Georgia, to be collector of customs for the district of St. Marys, in the State of Georgia.

POSTMASTER.

TEXAS.

Harry Beck, to be postmaster at Hillsboro, in the county of Hill and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 27, 1903.

[Continuation of legislative day of February 26, 1903.]

The House was called to order by the Speaker at 11 a. m.

The SPEAKER. The Chair lays before the House—

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present, manifestly no quorum; and we can not transact important business, although we can turn members out, without it.

The SPEAKER. In the opinion of the Chair the point is well taken.

Mr. PAYNE. Mr. Speaker, I move a call of the House.

The question was taken; and a call of the House was ordered.

The SPEAKER. The officers will close the doors, the Sergeant-at-Arms will bring in absentees, and the Clerk will call the roll.

The roll was called, and the following members failed to respond to their names:

Babcock,	Brantley,	Connell,	Douglas,
Bellamy,	Bromwell,	Conry,	Dwight,
Belmont,	Burk, Pa.	Cooper, Wis.	Edwards,
Benton,	Burnett,	Corliss,	Evans,
Bingham,	Calderhead,	Cowherd,	Foerderer,
Blackburn,	Caldwell,	Davidson,	Fox,
Blakeney,	Cochran,	Davis, Fla.	Glass,

Glenn,
Goldfogle,
Gooch,
Gordon,
Graham,
Green, Pa.
Griffith,
Griggs,
Hanbury,
Hildebrandt,
Jackson, Md.
Jett,
Kahn,
Kleberg,
Knox,

Lamb,
Lassiter,
Lewis, Ga.
Littauer,
Little,
McDermott,
McLain,
Maddox,
Maynard,
Meyer, La.
Morrell,
Naphen,
Norton,
Patterson, Pa.
Patterson, Tenn.

Perkins,
Pugsley,
Ransdell, La.
Rhea,
Robertson, La.
Robinson, Nebr.
Rucker,
Ruppert,
Selby,
Shackleford,
Shafroth,
Shelden,
Skiles,
Smith, Wm. Alden
Southwick,

Spight,
Stewart, N. J.
Sutherland,
Swann,
Talbert,
Thayer,
Tompkins, N. Y.
Tondiver,
Wachter,
Wadsworth,
Wheeler,
Wilson,
Wooten,
Young.

The SPEAKER. Present, 257. A quorum is present. The doors will be opened.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. On yesterday I understood the gentleman from New York to state that the Agricultural appropriation bill had come to the House from the Senate. I rise to inquire what committee that bill has been referred to?

The SPEAKER. It has not been referred to a committee.

Mr. UNDERWOOD. I ask if, under the rules, it should not be referred to the Committee on Agriculture?

The SPEAKER. There is a certain discretion given to the Speaker, and he always has exercised it, to hold the appropriation bills for the usual custom of having them referred to a conference committee.

Mr. UNDERWOOD. The House having refused to give unanimous consent on yesterday to allow this bill to go to conference, I ask if it is not proper for the Speaker now to refer that bill to the Committee on Agriculture, so that it may proceed at once?

The SPEAKER. That was done with the Agricultural bill; unanimous consent was refused, but, exercising that discretion, the Chair in due time will attend to that unless the House votes to take some other course.

Mr. UNDERWOOD. Mr. Speaker, I move that the bill be referred to the Committee on Agriculture.

The SPEAKER. The Chair declines to recognize the gentleman to make that motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 17202. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4825. An act to provide for a union railroad station in the District of Columbia, and for other purposes.

LEVI L. REED.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith, without approval, House bill No. 10095, entitled "An act for the relief of Levi L. Reed."

The beneficiary of this bill was enlisted July 24, 1861, at Reading, Pa., and was discharged from Battery H, Fifth United States Artillery, July 24, 1864, at Nashville, Tenn., by expiration of service, a sergeant. He reenlisted July 20, 1864, for three years, in Troop H, Fifth United States Cavalry, deserted therefrom July 31, 1865, while a corporal, at Cumberland, Md., and never returned to his command. Through his attorney he was furnished a "deserter's release" on June 2, 1882, in view of the act of Congress, approved April 11, 1890, amending the one hundred and third article of war, so as to prescribe a limitation as to prosecution of the offense of desertion.

This action is regarded as releasing the soldier from service as well as protecting him from liability to apprehension and trial, so that, being no longer in the service, he can not be discharged therefrom. Finally, as he deserted from the military service while holding the rank of corporal, I do not regard him as deserving an honorable discharge.

THEODORE ROOSEVELT.

WHITE HOUSE, February 25, 1903.

The SPEAKER. The Clerk will also read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to Levi L. Reed, late of Company H, Fifth Regiment United States Cavalry, as of date July 31, 1865: Provided, That no pay, bounty, or other emoluments shall become payable by virtue of the passage of this act.

Mr. HULL. Mr. Speaker, I move that the veto message and the bill be referred to the Committee on Military Affairs, and on that I demand the previous question.

The question was taken, and on a division (demanded by Mr. HAY and others) there were—ayes 164, noes 87.

Mr. HAY. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from Iowa [Mr. HULL], to refer this veto message, with the accompanying bill, to the Committee on Military Affairs.

The question was taken; and there were—yeas 160, nays 104, answered "present" 12, not voting 75; as follows:

YEAS—160.

Acheson,
Adams,
Alexander,
Allen, Me.
Aplin,
Ball, Del.
Bartholdt,
Bates,
Beidler,
Bishop,
Blackburn,
Boreing,
Boutell,
Bowersock,
Brandeggee,
Brick,
Bristow,
Brown,
Brownlow,
Bull,
Burk, Pa.
Burke, S. Dak.
Burkett,
Burleigh,
Burton,
Butler,
Caldwell,
Cannon,
Capron,
Cassel,
Conner,
Combs,
Cousins,
Cromer,
Crumppacker,
Currier,
Curtis,
Cushman,
Dahle,
Dalzell,

Darragh,
Deemer,
Dick,
Douglas,
Dovener,
Draper,
Driscoll,
Dwight,
Eddy,
Emerson,
Esch,
Fletcher,
Fordney,
Foss,
Foster, Vt.
Fowler,
Gaines, W. Va.
Gardner, Mass.
Gardner, Mich.
Gardner, N. J.
Gibson,
Gill,
Gillett, N. Y.
Gillett, Mass.
Graff,
Greene, Mass.
Grosvenor,
Grow,
Hamilton,
Haskins,
Haugen,
Heatwole,
Hedge,
Hemenway,
Henry, Conn.
Heppburn,
Hildebrandt,
Hill,
Hitt,
Howell,

Hughes,
Hull,
Irwin,
Jack,
Jackson, Md.
Jones, Wash.
Joy,
Ketcham,
Knapp,
Kyle,
Lacey,
Landis,
Lawrence,
Lessler,
Lewis, Pa.
Littauer,
Littlefield,
Long,
Loudenslager,
Lovering,
McCall,
McCleary,
McLachlan,
Mahon,
Marshall,
Martin,
Mercer,
Miller,
Minor,
Mondell,
Moody,
Morgan,
Morris,
Moss,
Mudd,
Needham,
Nevin,
Olmsted,
Otjen,
Overstreet,

Palmer,
Parker,
Patterson, Pa.
Payne,
Pearre,
Perkins,
Powers, Me.
Powers, Mass.
Reeves,
Roberts,
Schirm,
Scott,
Shattuc,
Shelden,
Showalter,
Sibley,
Smith, Ill.
Smith, Iowa
Smith, H. C.
Smith, S. W.
Southard,
Southwick,
Sperry,
Steele,
Stevens, Minn.
Stewart, N. Y.
Storm,
Sulloway,
Tawney,
Taylor, Ohio
Thomas, Iowa
Tompkins, Ohio
Van Voorhis,
Wadsworth,
Wagoner,
Wanger,
Warner,
Warnock,
Woods,
Wright.

NAYS—104.

Adamson,
Allen, Ky.
Bankhead,
Bartlett,
Billmeyer,
Bowie,
Breazeale,
Broussard,
Brundidge,
Burgess,
Burleson,
Candler,
Clark,
Clayton,
Cooney,
Cooper, Tex.
Cowherd,
Creamer,
Crowley,
Davis, Fla.
De Armond,
Dinsmore,
Elliott,
Finley,
Fitzgerald,
Flanagan,

Fleming,
Flood,
Fox,
Gaines, Tenn.
Gilbert,
Goldfogle,
Gooch,
Gordon,
Griggs,
Henry, Tex.
Hooker,
Howard,
Johnson,
Jones, Va.
Kehoe,
Kern,
Kitchin, Claude
Kitchin, Wm. W.
Klutz,
Lamb,
Lester,
Lever,
Lindsay,
Little,
Livingston,
Lloyd,

McAndrews,
McClellan,
McCulloch,
McRae,
Mahoney,
Mickey,
Miers, Ind.
Moon,
Mutchler,
Neville,
Newlands,
Padgett,
Pierce,
Pou,
Pugsley,
Randall, Tex.
Reid,
Rhea,
Richardson, Ala.
Richardson, Tenn.
Rixey,
Robb,
Robertson, La.
Robinson, Ind.
Rucker,
Russell,

Ryan,
Scarborough,
Shackleford,
Sheppard,
Sims,
Smith, Ky.
Snodgrass,
Snook,
Sparkman,
Stark,
Stephens, Tex.
Sulzer,
Swanson,
Tate,
Taylor, Ala.
Thomas, N. C.
Thompson,
Trimble,
Underwood,
Vandiver,
White,
Wiley,
Williams, Ill.
Williams, Miss.
Wilson,
Zenor.

ANSWERED "PRESENT"—12.

Bell,
Cassingham,
Dayton,

Foster, Ill.
Holliday,
Kahn,

Mann,
Metcalf,
Morrell,

Prince,
Sherman,
Tirrell.

NOT VOTING—75.

Rabcock,
Ball, Tex.
Barney,
Bellamy,
Belmont,
Benton,
Bingham,
Blakeney,
Brantley,
Bromwell,
Burnett,
Calderhead,
Cochran,
Connell,
Conry,
Cooper, Wis.
Corliss,
Davey, La.
Davidson,

Dougherty,
Edwards,
Evans,
Feely,
Foerderer,
Glass,
Glenn,
Graham,
Green, Pa.
Griffith,
Hanbury,
Hay,
Henry, Miss.
Hopkins,
Jackson, Kans.
Jenkins,
Jett,
Kleberg,
Knox,

Lassiter,
Latimer,
Lewis, Ga.
Loud,
McDermott,
McLain,
Maddox,
Maynard,
Meyer, La.
Naphen,
Norton,
Patterson, Tenn.
Ransdell, La.
Reeder,
Robinson, Nebr.
Ruppert,
Selby,
Shafroth,
Shallenberger,

Skiles,
Slayden,
Small,
Smith, Wm. Alden
Spight,
Stewart, N. J.
Sutherland,
Swann,
Talbert,
Thayer,
Tompkins, N. Y.
Vreeland,
Wachter,
Watson,
Weeks,
Wheeler,
Wooten,
Young.

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. GRAHAM with Mr. WOOTEN.

Mr. CORLISS with Mr. LASSITER.

Mr. YOUNG with Mr. BENTON.
 Mr. BINGHAM with Mr. BRANTLEY.
 Mr. STEWART of New Jersey with Mr. SPIGHT.
 Mr. TOMPKINS of New York with Mr. TALBERT.
 Until Monday next:
 Mr. SUTHERLAND with Mr. FOSTER of Illinois.
 For the balance of this day:
 Mr. FOERDERER with Mr. McLAIN.
 Mr. COOPER of Wisconsin with Mr. GLASS.
 Mr. HANBURY with Mr. MAYNARD.
 Mr. KNOX with Mr. NAPHEN.
 On this vote:
 Mr. DAVIDSON with Mr. LEWIS of Georgia.
 Mr. BARNEY with Mr. DOUGHTERY.
 Mr. WACHTER with Mr. FEELY.
 Mr. BABCOCK with Mr. BALL of Texas.
 Mr. WM. ALDEN SMITH with Mr. SWANN.
 Mr. HOPKINS with Mr. THAYER.
 Mr. JENKINS with Mr. SHALLENBERGER.
 Mr. WATSON with Mr. COCHRAN.
 Mr. WEEKS with Mr. RANDELL of Louisiana.
 Mr. VREELAND with Mr. MADDOX.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on the motion of the gentleman from Iowa [Mr. HULL], to refer the veto message, with the accompanying bill, to the Committee on Military Affairs.

The question having been put,

The SPEAKER. The ayes appear to have it.

Mr. HAY. I call for a division.

Mr. HULL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 58, answered "present" 13, not voting 86; as follows:

YEAS—194.

Acheson,	Driscoll,	Kitchin, Claude	Reeder,
Adams,	Dwight,	Kitchin, Wm. W.	Reeves,
Alexander,	Eddy,	Knapp,	Richardson, Ala.
Allen, Me.	Emerson,	Kyle,	Richardson, Tenn.
Aplin,	Eech,	Lacey,	Robb,
Ball, Del.	Feely,	Landis,	Roberts,
Bartholdt,	Fitzgerald,	Lawrence,	Robinson, Ind.
Bates,	Fletcher,	Lessier,	Russell,
Beidler,	Flood,	Lewis, Pa.	Ryan,
Billmeyer,	Fordney,	Littauer,	Schirm,
Bishop,	Foss,	Littlefield,	Scott,
Blackburn,	Foster, Vt.	Lloyd,	Shallenberger,
Blakeney,	Gaines, W. Va.	Long,	Shattuc,
Boreing,	Gardner, Mass.	Loving,	Shelden,
Bowersock,	Gardner, Mich.	McCall,	Sheppard,
Bowie,	Gardner, N. J.	McCleary,	Sibley,
Brandegge,	Gibson,	McClellan,	Smith, Ill.
Brick,	Gillet, N. Y.	McLachlan,	Smith, Iowa
Bristow,	Gillet, Mass.	Mahon,	Smith, H. C.
Brown,	Goldfogle,	Marshall,	Smith, S. W.
Brownlow,	Gordon,	Martin,	Southard,
Burk, Pa.	Graft,	Mercer,	Southwick,
Burke, S. Dak.	Greene, Mass.	Miers, Ind.	Sperry,
Burkett,	Grosvenor,	Miller,	Stark,
Burleigh,	Grow,	Minor,	Stewart, N. Y.
Burton,	Hamilton,	Mondell,	Storm,
Butler,	Haskins,	Moody,	Sulloway,
Cannon,	Haugen,	Morgan,	Swanson,
Capron,	Hay,	Morris,	Tate,
Cassel,	Heatwole,	Moss,	Tawney,
Conner,	Hedge,	Mudd,	Taylor, Ohio
Cooper, Wis.	Hemenway,	Needham,	Thomas, Iowa
Cousins,	Henry, Conn.	Nevin,	Thomas, N. C.
Cromer,	Henry, Tex.	Olsted,	Tompkins, Ohio
Crumpacker,	Hepburn,	Otjen,	Underwood,
Currier,	Hildebrandt,	Overstreet,	Van Voorhis,
Curtis,	Hill,	Padgett,	Vreeland,
Cushman,	Hitt,	Palmer,	Wachter,
Dable,	Holliday,	Parker,	Wadsworth,
Dalzell,	Hull,	Patterson, Pa.	Wagoner,
Darragh,	Hull,	Patterson, Tenn.	Warner,
Davey, La.	Irwin,	Payne,	Warnock,
De Armond,	Jackson, Md.	Pearre,	Watson,
Deemer,	Jenkins,	Perkins,	Weeks,
Dick,	Kahn, Wash.	Powers, Me.	Woods,
Dougherty,	Kern,	Powers, Mass.	Wright,
Douglas,	Ketcham,	Pugsley,	Young,
Dovener,			
Draper,			

NAYS—58.

Adamson,	Fleming,	Lindsay,	Slayden,
Allen, Ky.	Fox,	Livingston,	Smith, Ky.
Bankhead,	Gaines, Tenn.	McRae,	Snodgrass,
Benton,	Gilbert,	Madrox,	Snook,
Breazeale,	Gooch,	Maynard,	Stephens, Tex.
Broussard,	Hooker,	Moon,	Sulzer,
Brundidge,	Howard,	Mutchler,	Taylor, Ala.
Burgess,	Johnson,	Neville,	Thompson,
Burleson,	Jones, Va.	Newlands,	Trimble,
Candler,	Kehoe,	Randell, Tex.	Wiley,
Clark,	Kluttz,	Reid,	Williams, Ill.
Clayton,	Lamb,	Rhea,	Williams, Miss.
Cowherd,	Latimer,	Scarborough,	Zenor.
Dinsmore,	Lester,	Shackleford,	
Flanagan,	Lever,	Sims,	

ANSWERED "PRESENT"—13.

Boutell,	Glass,	Lassiter,	Tirrell.
Cassingham,	Jack,	Prince,	
Dayton,	Joy,	Rucker,	
Foster, Ill.	Mann,	Sherman,	

NOT VOTING—86.

Babcock,	Crowley,	Lassiter,	Showalter,
Ball, Tex.	Davidson,	Lewis, Ga.	Skiles,
Barney,	Davis, Fla.	Little,	Small,
Bartlett,	Edwards,	Loud,	Smith, Wm. Alden
Bell,	Elliott,	Loudenslager,	Sparkman,
Belamy,	Evans,	McAndrews,	Spight,
Belmont,	Finley,	McCulloch,	Steele,
Bingham,	Foerderer,	McDermott,	Stevens, Minn.
Brantley,	Fowler,	McLain,	Stewart, N. J.
Bromwell,	Glenn,	Mahoney,	Sutherland,
Bull,	Graham,	Meyer, La.	Swann,
Burnett,	Green, Pa.	Morrell,	Talbert,
Calderhead,	Griffith,	Naphe,	Thayer,
Caldwell,	Griggs,	Norton,	Tompkins, N. Y.
Cochran,	Hanbury,	Pou,	Vandiver,
Connell,	Henry, Miss.	Ransdell, La.	Wanger,
Conry,	Hopkins,	Rixey,	Wheeler,
Coombs,	Hughes,	Robertson, La.	White,
Cooney,	Jackson, Kans.	Robinson, Nebr.	Wilson,
Cooper, Tex.	Jett,	Ruppert,	Wooten.
Corliss,	Kleberg,	Selby,	
Creamer,	Knox,	Shafroth,	

So the veto message and the accompanying bill were referred to the Committee on Military Affairs.

The following additional pairs were announced:

For this vote:

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. BABCOCK with Mr. COOPER of Texas.

Mr. HOPKINS with Mr. ROBERTSON of Louisiana.

Until Monday:

Mr. JACK with Mr. FINLEY.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8023. An act granting an increase of pension to John Downing;

H. R. 12638. An act granting an increase of pension to John W. Day;

H. R. 14439. An act granting an increase of pension to Franklin Peale;

H. R. 11122. An act granting an increase of pension to John W. Copley;

H. R. 11020. An act granting an increase of pension to Oliver P. Alabach;

H. R. 1274. An act granting an increase of pension to Mary E. Fleming;

H. R. 5281. An act granting an increase of pension to Patrick Mahan;

H. R. 5960. An act granting an increase of pension to Lambert Johnston;

H. R. 6876. An act granting an increase of pension to Thomas B. Faught;

H. R. 6719. An act granting an increase of pension to John H. Hall;

H. R. 7895. An act granting an increase of pension to Sarah Bowen;

H. R. 7760. An act granting an increase of pension to Thomas Graham;

H. R. 15403. An act granting an increase of pension to Milton C. Norton;

H. R. 15431. An act granting an increase of pension to Elias Simpson;

H. R. 15618. An act granting an increase of pension to William O. Boughton;

H. R. 15696. An act granting an increase of pension to Milton D. Wells;

H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden;

H. R. 8165. An act granting an increase of pension to Oscar M. Peck;

H. R. 14235. An act granting an increase of pension to George White;

- H. R. 14027. An act granting an increase of pension to Thomas J. Winfrey;
H. R. 12492. An act granting an increase of pension to Callie West;
H. R. 700. An act granting an increase of pension to Eben Slawson;
H. R. 6617. An act granting an increase of pension to Hugh Cool;
H. R. 6593. An act granting an increase of pension to Harry L. Graham;
H. R. 12021. An act granting an increase of pension to Anson Lewis;
H. R. 6470. An act granting an increase of pension to Shepherd H. King;
H. R. 14217. An act granting an increase of pension to George M. Smith;
H. R. 13046. An act granting an increase of pension to Joseph H. Ludlum;
H. R. 13634. An act granting an increase of pension to Helen Olivia Leckie;
H. R. 13323. An act granting an increase of pension to Mary E. Barger;
H. R. 14091. An act granting a pension to Charles A. Warrick;
H. R. 4925. An act granting a pension to Joel Thomason;
H. R. 6969. An act granting a pension to Visa C. Morrill;
H. R. 16696. An act granting an increase of pension to Freling H. Amick;
H. R. 15733. An act granting an increase of pension to Martin G. Cole;
H. R. 15674. An act granting an increase of pension to John A. T. McPherson;
H. R. 16351. An act granting an increase of pension to Austin P. Merrell;
H. R. 16313. An act granting an increase of pension to James L. Davenport, alias Dexter Davis;
H. R. 16210. An act granting an increase of pension to John C. Collahan;
H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;
H. R. 15422. An act granting an increase of pension to John Mesgrove;
H. R. 15362. An act granting an increase of pension to Grace Harrington;
H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;
H. R. 14758. An act granting an increase of pension to Mary A. Talbott;
H. R. 2787. An act granting an increase of pension to Cornelia S. Ribble;
H. R. 1257. An act granting an increase of pension to James F. Campbell;
H. R. 4952. An act granting a pension to Abner D. Rutherford;
H. R. 15842. An act granting a pension to Mary H. Talcott;
H. R. 15636. An act granting a pension to Matilda Tunison;
H. R. 7844. An act granting a pension to Alonzo Pendland;
H. R. 7710. An act granting a pension to Margaret Scanlon;
H. R. 7387. An act granting a pension to Ellen D. Campbell;
H. R. 12771. An act granting a pension to William Kenny;
H. R. 8005. An act granting a pension to Samantha A. Newcomb;
H. R. 2612. An act granting a pension to Mary J. Goodrich;
H. R. 12611. An act granting a pension to Alexander J. Thompson;
H. R. 3261. An act granting a pension to George R. Grubaugh;
H. R. 15962. An act granting a pension to Catharine T. R. Matthews;
H. R. 10869. An act granting an increase of pension to Michael K. Strayer;
H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;
H. R. 8711. An act granting an increase of pension to William C. Crawford;
H. R. 8812. An act granting an increase of pension to Henry Staff;
H. R. 9154. An act granting an increase of pension to Lillie V. Ball;
H. R. 9491. An act granting an increase of pension to John W. Brattain;
H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;
H. R. 9570. An act granting an increase of pension to Isaac Gabrion;
H. R. 3353. An act granting an increase of pension to John H. Kehn;
H. R. 3265. An act granting an increase of pension to Henry Pensinger;
H. R. 659. An act granting an increase of pension to Winfield Pierce;
H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;
H. R. 13316. An act granting an increase of pension to Benjamin F. Olcott;
H. R. 12841. An act granting an increase of pension to William King;
H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;
H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;
H. R. 16996. An act granting an increase of pension to John Bougher;
H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;
H. R. 16785. An act granting an increase of pension to Collins W. Wight;
H. R. 16786. An act granting an increase of pension to John C. Sautter;
H. R. 16787. An act granting an increase of pension to Richard G. Hanscom;
H. R. 16856. An act granting an increase of pension to John Burke;
H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;
H. R. 16073. An act granting an increase of pension to John H. Smith;
H. R. 15746. An act granting an increase of pension to Daniel R. Lucas;
H. R. 15735. An act granting an increase of pension to John H. Wheeler;
H. R. 1422. An act granting an increase of pension to Sarah E. Merritt;
H. R. 13723. An act granting an increase of pension to Oliver C. Jackson;
H. R. 11739. An act granting an increase of pension to Samuel N. Northway;
H. R. 833. An act granting an increase of pension to George H. Van Deusen;
H. R. 9912. An act granting an increase of pension to Matilda Smith;
H. R. 16929. An act granting an increase of pension to William H. Trites;
H. R. 1637. An act granting an increase of pension to John A. Spalding;
H. R. 17110. An act granting an increase of pension to Robert A. Tracy;
H. R. 17119. An act granting an increase of pension to James Flanagan;
H. R. 17179. An act granting an increase of pension to Christopher G. Divers;
H. R. 17298. An act granting an increase of pension to Clara E. Smith;
H. R. 17303. An act granting an increase of pension to Abraham W. Huffman;
H. R. 2911. An act granting a pension to Charles M. Walker;
H. R. 16697. An act granting a pension to Ellen Johnson;
H. R. 17305. An act granting a pension to Philander H. Graves;
H. R. 16391. An act granting a pension to Ella F. Shandrew;
H. R. 16859. An act granting a pension to Florence M. Stout;
H. R. 16476. An act granting a pension to Catherine Rayel;
H. R. 16344. An act granting a pension to Lucinda Lawrence;
H. R. 13612. An act granting a pension to Margaret Bell;
H. R. 14788. An act granting an increase of pension to Frank E. Hills;
H. R. 14475. An act granting an increase of pension to David E. Lawton;
H. R. 16212. An act granting an increase of pension to Sanders W. Johnston;
H. R. 15730. An act granting an increase of pension to Hans A. Grove;
H. R. 15721. An act granting an increase of pension to Walter A. Porter;
H. R. 15404. An act granting an increase of pension to William M. Hattery;
H. R. 15387. An act granting an increase of pension to Lott Van Nordstrand;
H. R. 7510. An act granting an increase of pension to Edward M. Gammon;
H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
H. R. 5876. An act granting an increase of pension to Jacob E. Richards;
H. R. 5446. An act granting an increase of pension to James M. Travis;

H. R. 4066. An act granting an increase of pension to Philip Krohn;
 H. R. 11428. An act granting an increase of pension to Plummer Lewis;
 H. R. 11075. An act granting an increase of pension to Albert J. Hart;
 H. R. 11625. An act granting an increase of pension to Alexander H. Taylor;
 H. R. 14236. An act granting an increase of pension to William C. Chatfield;
 H. R. 12603. An act granting an increase of pension to Amanda Burke;
 H. R. 1062. An act granting an increase of pension to Elias P. Stearns;
 H. R. 9799. An act granting an increase of pension to Mary Murphy;
 H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;
 H. R. 13945. An act granting an increase of pension to Edward T. Durant;
 H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;
 H. R. 2264. An act granting an increase of pension to George H. Higgins;
 H. R. 13793. An act granting an increase of pension to Solomon A. Alexander;
 H. R. 12382. An act granting an increase of pension to William Sands;
 H. R. 14361. An act granting an increase of pension to Joseph M. Alexander;
 H. R. 11616. An act granting an increase of pension to Isaac Harris;
 H. R. 11189. An act granting an increase of pension to Jennie M. Gilbert;
 H. R. 4632. An act granting an increase of pension to William P. Rhodes;
 H. R. 5010. An act granting an increase of pension to James W. Pace;
 H. R. 6127. An act granting an increase of pension to Catherine P. McLorinen;
 H. R. 7312. An act granting an increase of pension to James Curley;
 H. R. 7736. An act granting an increase of pension to Albert W. Allen;
 H. R. 7308. An act granting an increase of pension to Mary Morley;
 H. R. 7832. An act granting an increase of pension to Elizabeth Lister;
 H. R. 14930. An act granting an increase of pension to William H. Houseal;
 H. R. 15440. An act granting an increase of pension to John Fullerton;
 H. R. 16538. An act granting an increase of pension to William W. Downs; and
 H. R. 16201. An act granting an increase of pension to Jeffrey Hufford.

CONTESTED-ELECTION CASE OF WAGONER AGAINST BUTLER.

Mr. FLEMING. Mr. Speaker—
 Mr. DALZELL. Mr. Speaker—
 The SPEAKER. The gentleman from Pennsylvania.
 Mr. FLEMING. Mr. Speaker, I rise to a question of the highest privilege.
 The SPEAKER. The gentleman will state it.
 Mr. FLEMING. I send a resolution to the Clerk's desk, which I will ask to have read.
 The Clerk read as follows:

Whereas it appears from the CONGRESSIONAL RECORD of February 23, 1903, that by actual count and announcement by the Speaker pro tempore a quorum of the House was not present when the resolutions were voted upon declaring that James J. Butler was not elected, and that GEORGE C. R. WAGONER was duly elected, a Representative in the Fifty-seventh Congress from the Twelfth Missouri District, and that the point of no quorum was duly raised upon the vote on each of said resolutions, and that the same in each instance was overruled by the Speaker pro tempore in violation of the Constitution, the rules of the House, and the practice of all parliamentary bodies:

Resolved, That the announcement by the Speaker pro tempore that said resolutions were adopted was in fact untrue, and that said James J. Butler is still entitled to his seat in this House, and that the said GEORGE C. R. WAGONER is not now entitled to the same.

Mr. PAYNE. Mr. Speaker, I move to lay the resolution on the table.

Mr. FLEMING. Mr. Speaker, I have the floor.

The SPEAKER. This motion is clearly one that a member of the House has a right to make, and it intervenes as a preferential motion.

Mr. FLEMING. But I did not yield the floor.

The SPEAKER. The question is on the motion of the gentleman from New York to lay the resolution on the table.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. FLEMING. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 109, answered "present" 9, not voting 72, as follows:

YEAS—161.

Acheson,	Deemer,	Irwin,	Patterson, Pa.
Adams,	Dick,	Jackson, Md.	Payne,
Alexander,	Douglas,	Jenkins,	Pearce,
Allen, Mo.	Dovener,	Jones, Wash.	Powers, Me.
Aplin,	Draper,	Joy,	Powers, Mass.
Ball, Del.	Driscoll,	Kahn,	Reeders,
Bartholdt,	Dwight,	Ketcham,	Reeves,
Bates,	Eddy,	Knapp,	Roberts,
Bishop,	Esch,	Kyle,	Schirm,
Blackburn,	Fletcher,	Lacey,	Scott,
Blakeney,	Fordney,	Landis,	Shattuc,
Boreing,	Foss,	Lawrence,	Shelden,
Boutell,	Foster, Vt.	Lessler,	Showalter,
Bowersock,	Fowler,	Lewis, Pa.	Sibley,
Brandegree,	Gaines, W. Va.	Littaner,	Smith, Iowa
Brick,	Gardner, Mass.	Littlefield,	Smith, H. C.
Bristow,	Gardner, Mich.	Long,	Smith, S. W.
Brown,	Gardner, N. J.	Loud,	Southard,
Brownlow,	Gibson,	Loudenslager,	Southwick,
Burk, Pa.	Gill,	Lovering,	Sperry,
Burke, S. Dak.	Gillet, N. Y.	McCall,	Steele,
Burkett,	Gillett, Mass.	McClary,	Stevens, Minn.
Burleigh,	Graff,	McLachlan,	Sulloway,
Burton,	Greene, Mass.	Mahon,	Tawney,
Butler,	Grosvenor,	Marshall,	Taylor, Ohio
Calderhead,	Grow,	Martin,	Thomas, Iowa
Cannon,	Hamilton,	Mercer,	Tompkins, Ohio
Capron,	Hanbury,	Miller,	Van Voorhis,
Cassel,	Haskins,	Minor,	Wachter,
Conner,	Haugen,	Mondell,	Wadsworth,
Coombs,	Heatwole,	Moody, Oreg.	Wanger,
Cooper, Wis.	Hedge,	Morgan,	Warner,
Cousins,	Hemenway,	Moss,	Warnock,
Cromer,	Henry, Conn.	Mudd,	Watson,
Crumpacker,	Hildebrandt,	Needham,	Weeks,
Currier,	Hill,	Nevin,	Woods,
Curtis,	Hitt,	Olsted,	Wright,
Cushman,	Holliday,	Otjen,	Young,
Dahle,	Howell,	Overstreet,	
Dalzell,	Hughes,	Palmer,	
Darragh,	Hull,	Parker,	

NAYS—109.

Adamson,	Flood,	McCulloch,	Shackleford,
Allen, Ky.	Foster, Ill.	McLain,	Sheppard,
Bankhead,	Gaines, Tenn.	McRae,	Sims,
Bartlett,	Gilbert,	Maddox,	Slayden,
Benton,	Goldfogle,	Mahoney,	Small,
Bilmeier,	Gooch,	Mickers,	Smith, Ky.
Bowie,	Gordon,	Miers, Ind.	Snodgrass,
Breazale,	Hay,	Moon,	Snook,
Broussard,	Hooker,	Mutchler,	Sparkman,
Brundidge,	Howard,	Neville,	Stark,
Burgess,	Jackson, Kans.	Padgett,	Stephens, Tex.
Burleson,	Johnson,	Patterson, Tenn.	Sulzer,
Candler,	Jones, Va.	Pierce,	Swann,
Clark,	Kehoe,	Pou,	Tate,
Cooney,	Kitchin, Claude	Pugsley,	Taylor, Ala.
Cooper, Tex.	Kitchin, Wm. W.	Randell, Tex.	Thomas, N. C.
Cowherd,	Klutz,	Reid,	Thompson,
Crowley,	Lamb,	Rhea,	Trimble,
Davey, La.	Latimer,	Richardson, Ala.	Underwood,
Davis, Fla.	Lester,	Richardson, Tenn.	Vandiver,
De Armond,	Lever,	Rixey,	White,
Dinsmore,	Lewis, Ga.	Robb,	Wiley,
Dougherty,	Lindsay,	Robertson, La.	Williams, Ill.
Elliott,	Little,	Robinson, Ind.	Wilson,
Feely,	Livingston,	Rucker,	Zenor.
Fitzgerald,	Lloyd,	Russell,	
Flanagan,	McAndrews,	Ryan,	
Fleming,	McClellan,	Scarborough,	

ANSWERED "PRESENT" 9.

Cassingham,	Mann,	Morrell,	Sherman,
Dayton,	Metcalf,	Prince,	Tirrell.
Jack,			

NOT VOTING 72.

Babcock,	Creamer,	Jett,	Shallenberger,
Ball, Tex.	Davidson,	Kern,	Skiles,
Barney,	Edwards,	Kleberg,	Smith, Ill.
Beidler,	Emerson,	Knox,	Smith, Wm. Alden
Bell,	Evans,	Lassiter,	Spight,
Bellamy,	Finley,	McDermott,	Stewart, N. J.
Belmont,	Foerderer,	Maynard,	Stewart, N. Y.
Bingham,	Fox,	Meyer, La.	Storm,
Brantley,	Glass,	Morris,	Sutherland,
Bromwell,	Glenn,	Naphen,	Swanson,
Bull,	Graham,	Newlands,	Talbot,
Burnett,	Green, Pa.	Norton,	Thayer,
Caldwell,	Griffith,	Perkins,	Tompkins, N. Y.
Clayton,	Griggs,	Ransdell, La.	Vreeland,
Cochran,	Henry, Miss.	Robinson, Nebr.	Wagoner,
Connell,	Henry, Tex.	Ruppert,	Wheeler,
Conry,	Hepburn,	Selby,	Williams, Miss.
Corliss,	Hopkins,	Shafroth,	Wooten.

So the resolution was laid on the table.

Mr. BEIDLER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat and listening when his name was called, and did he fail to hear it?

Mr. BEIDLER. I was not. I was absent.

The SPEAKER. The gentleman can not vote.

The following additional pairs were announced:
Until further notice:

Mr. FOERDERER with Mr. COCHRAN.

On this vote:

Mr. BARNEY with Mr. SWANSON.

Mr. MORRIS with Mr. GLASS.

Mr. CONNER with Mr. ROBINSON of Nebraska.

Mr. STORM with Mr. HENRY of Mississippi.

Mr. BABCOCK with Mr. CLAYTON.

Mr. HOPKINS with Mr. GLASS.

Mr. WM. ALDEN SMITH with Mr. HENRY of Texas.

The result of the vote was announced as above recorded.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, with the Senate amendments, and to disagree to the Senate amendments and ask a conference with the Senate.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, and disagree to all the amendments of the Senate and ask for a conference. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I make a parliamentary inquiry. Under the rules of this Republican House, does not this bill go to the Committee on Appropriations?

The SPEAKER. The Chair has answered that question once before, in reply to the gentleman from Alabama—

Mr. RICHARDSON of Tennessee. I respectfully make that inquiry.

The SPEAKER (continuing). And will answer it again to the gentleman from Tennessee. It has been the long-recognized custom of the House that there was a certain degree of latitude or discretion lodged in the presiding officer as to when an appropriation bill should be referred, and this bill has just come over from the Senate.

Mr. RICHARDSON of Tennessee. I am satisfied of that, Mr. Speaker; but under the rule now, I ask—under the Republican rules of the Republican House—if this bill does not properly go to the Committee on Appropriations?

The SPEAKER. Has the gentleman finished his question?

Mr. RICHARDSON of Tennessee. I have now. I had not when the Chair rapped.

The SPEAKER. All of the rules of this Republican House have been and are being sacredly enforced.

Mr. RICHARDSON of Tennessee. Why, certainly!

The SPEAKER. And will be to the end of this Congress.

Mr. RICHARDSON of Tennessee. Mr. Speaker, that is all I ask, that the rule be enforced, and I ask for the regular order, and the enforcement of Republican rules.

The SPEAKER. Is there objection?

Mr. ZENOR. I object.

The SPEAKER. Objection is made, and the request of the gentleman from Illinois is denied.

Mr. RICHARDSON of Tennessee. We ask you to enforce your rules; that is all.

COMMERCE AND LABOR APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported a bill (H. R. 17520) making appropriations for the Department of Commerce and Labor for the fiscal years 1903 and 1904, which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER. The gentleman from Alabama reserves all points of order on the appropriation bill just reported by the gentleman from Indiana from the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I present a privileged report.

The SPEAKER. The Clerk will read the privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House numbered 468 and 470, have had the same under consideration, and report the following in lieu thereof, with the recommendation that it do pass:

"Resolved, That immediately upon the adoption of this rule, and at any time thereafter during the remainder of this session, it shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments, and such amendments having been read, the question shall be at once taken without debate or intervening motion on the following question: 'Will the House disagree to said amendments en bloc and ask a conference with the Senate?' And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments."

"And further, For the remainder of this session the motion to take a recess shall be a privileged motion and take precedence of the motion to adjourn."

[Applause on the Republican side.]

The SPEAKER. The gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, has just asked of the House the right to take from the Speaker's table the sundry civil appropriation bill, with the Senate amendments, and send it to conference—a request for unanimous consent that I venture to say never in the history of this House before was refused. This is one of the great supply bills for the maintenance of the Federal Government. It is one of eight great supply bills that have not as yet gone to conference. This is Friday of the week preceding the week in which, under the terms of the Constitution, the House will adjourn. There remain after to-day but one other secular day in this week and substantially two days in next week, and in face of that situation we find the minority blocking the wheels of government and threatening to cut off supplies. [Manifestations of derision on the Democratic side.]

I look not generally for Democratic applause. [Laughter on the Republican side.] Yesterday we had eight roll calls, and so far to-day, up to this time, although we met at 11 o'clock, we have been unable to transact any business by reason of the obstruction on the part of the minority [applause on the Democratic side]—a childish proceeding, which seems to be liked [applause on the Republican side] by the elderly children on the other side of the House.

Now, Mr. Speaker, let me call the attention of the House to what, under existing conditions, might ensue if this rule were not adopted. There are on the Speaker's table 29 bills, each having a Senate amendment, which must be concurred in. [Laughter on the Democratic side.] By a simple motion to concur there would be 29 roll calls of at least thirty minutes each, or fourteen and one-half hours—three legislative days of the ordinary length. There are at present on the Speaker's table three general appropriation bills, one having 85 Senate amendments, another 41, and the other 151, or 277 in all. The yeas and nays may be demanded on a motion to concur in each amendment, giving 277 roll calls of thirty minutes each, or one hundred and thirty-eight hours, or a fraction over twenty-seven legislative days of the usual length. There are five other general appropriation bills to be returned with Senate amendments besides the three already on the Speaker's table.

Now, if we are to transact business—I do not refer to ordinary legislation—if we are to supply the necessary means for the maintenance of the Government before this session of Congress adjourns it is absolutely essential that we pass this rule. This rule will enable us to send the supply bills to conference and to secure final action thereon.

Now, just one other word. This rule has no relation to legislation of any kind except general appropriation bills. It does not affect the status of any other bill or bills that are now in the House, and it is therefore to be considered as an expediency measure to get to their proper places the great appropriation bills that we must pass before this Congress adjourns, and that, despite the opposition of the minority, by the unanimous and organized action of the majority this side of the House will pass before the adjournment of Congress. [Loud applause on the Republican side.]

Now, Mr. Speaker, I will yield to the gentleman from Tennessee, if he wants the time.

Mr. RICHARDSON of Tennessee. I want the twenty minutes' time we have under the rules ordinarily.

Mr. DALZELL. I yield twenty minutes to the gentleman.

Mr. RICHARDSON of Tennessee. I yield five minutes to my colleague on the committee [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, there is an old saying that everything comes to the man who waits. Ten years ago the Republican party, more than ten years ago, adopted what was known as the Reed rules, and justified themselves before the country in doing so, because they said these rules were necessary to transact public business; and to-day the Republican party witnesses the lamentable spectacle of having their leaders on the floor of this House make open confession to the country that they can not do business under their rules. [Applause on the Democratic side.] Why is it necessary to bring in this special rule? Is it expected that in order that the Republican party may transact business that the opposition shall lie supinely on their backs and have no voice in the Government or the business of the country? That is what you seem to ask.

Is there anything unusual or drastic or wrong in that portion of the rules of this House that says that legislation put upon appropriation bills by the Senate of the United States shall have the same consideration, the same careful consideration that is given to legislation enacted in this House? That is all the rule requires; that is all we have demanded in this instance. The rules of this House from the beginning have said that legislation enacted shall be considered by a committee of this House. More than that, it

is said that appropriation bills shall be considered by a Committee of the Whole, where each individual member of the House may exercise his rights and voice the wishes of his constituency. So when a bill comes back from the Senate of the United States carrying additional appropriations or new legislation it is customary and right under the rules—it is the order of this House and always has been, according to the rules of the House, that appropriation bills shall go to a committee having those questions before it on the demand of any person who thinks it affects the rights of his constituents. And they are entitled to demand that they be considered in the Committee of the Whole House on the state of the Union.

Now, here are these great appropriation bills carrying numbers of amendments about important matters, numbers of amendments that each member of the House is interested in, and yet gentlemen on the other side of the House say it is an outrage that the minority should have the right to have some say so in the legislation of this country. How else can we have an opportunity to consider these bills and vote upon the different propositions? The gentleman from Pennsylvania knows, and every other member in this House knows, that if one of these bills with important legislation on it once goes to a conference and the conferees, the Republican conferees, agree on a unanimous report, and that report comes to the Speaker's desk, we have but one vote, and that is a vote to concur or to nonconcur in the conference report, taking away from us every opportunity to consider it in detail and get it before the House in a legitimate or proper way.

And yet we reach the stage in the proceedings where a Republican Congress has tampered with public time; has adjourned from day to day here without transacting the public business; has taken up time in turning members from their places without due consideration by the Elections Committee; have had numerous days spent in private business; reaching the last days of the session, they wake up to find that the country demands that they shall give some attention to the public business. Under their rules, they say, it is impossible to consider the public business where the individual member of the House may exercise his judgment and his voice in the matter. In other words, this drastic rule that is brought before the House to-day says that the leaders of the Republican party shall legislate for the country and the rank and file on that side shall have no voice in the proceedings. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I now yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] does not take a broad enough view of the situation that surrounds him. He is standing in the midst of a circle, and looking upward instead of looking about him. Ten years ago, it is said—it was longer ago than that—we adopted the Reed rules, and to-day the gentleman from Alabama will feel the effect of the Reed rules. [Laughter on the Republican side.] We are not abandoning the Reed rules. We are enforcing them. It is a part and parcel of the rules of the House, made by a Republican House, and adopted afterwards by a Democratic House. That is the halter that my friend does not like the feeling of when it draws. [Laughter on the Republican side.]

Mr. Speaker, it is the duty of the Republican side of this House to save the country from an extra session. The other side has nothing at stake in this. If this programme as they have determined upon is carried out, they will rush heedlessly and recklessly upon an extra session of Congress. The injury to the country, the disturbance of business, the enormous expense that will come of it is nothing to them. I do not hold them responsible for it; they have been so long without any responsibility that they do not know the effect of it. [Laughter and applause on the Republican side.] Anything to hurt, anything to hinder, anything to delay, anything to bring disaster—disaster in the form of grasshoppers, smallpox, the murrain in cattle—all bring stock and store to the Democratic crib. [Laughter and applause on the Republican side.]

We are proceeding in an orderly manner. The rules of the House provide this remedy for obstruction. The rules of the House are being enforced literally, but faithfully and honestly, and I want to say one word to our friends on this side. We have provided in this rule to bring about simply what has been from time immemorial transacted by the unanimous consent of the House. We are simply taking an obstruction out of the way that never since I have been a member of this House was ever before put in the way of the transaction of public business. This is the only remedy; this is a salutary remedy; this is an effective remedy. The outcry on the other side shows how the lash of possibilities and probabilities cut and hurt.

Now, if this rule is not passed, what will be the effect on the House of Representatives? Everybody knows that we will stagger forward and do the best we can to pass the appropriation

bills. So, if you defeat this rule, you defeat the possibility of any bill other than appropriation bills being passed in this House. What is the use, therefore, of talking about opposition to this measure in order to help some other measure, or some other set of measures? This is the only road to the possibility of any other legislation with our duty-bound struggle to pass appropriation bills. Join with the Democrats to overthrow this rule and you have turned over to them an organized purpose to prevent even the passage of the appropriation bills and cause an extra session. How can you or anybody get any benefit from that? I am interested in one of the great bills before this House personally and officially. How can you get any benefit by putting into the hands of the Democrats the power to stand menacing the future of this legislation and the power to cut off all other legislation? Give us this rule and we will pass the appropriation bills; we will get them out of the way and do such other legislation as may be deemed wise and best for the country.

Let the Democrats on the other side take the responsibility of defeating the measures that interest their own constituents and for which their constituents have been praying—for which their constituents are earnestly seeking. Let them go home, if they care to do it, with the record that they have attempted, at least, to strangle the life of the Government by defeating the appropriation bills. [Applause on the Republican side.] It will not be anything new. It will be no new demonstration of a mild type of nonpatriotism—nothing of that kind whatever. They would take the weapon of the hungry soldier; they would take the weapon of the idle official, and strangle the Government by strangling the appropriation bills. [Loud applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has thirty minutes remaining.

Mr. DALZELL. How much time have I consumed—myself and my colleague?

The SPEAKER. The gentleman has used ten minutes—himself five, and five he yielded to the gentleman from Ohio—and he gave twenty minutes to the other side.

Mr. RICHARDSON of Tennessee. I suppose the gentleman computes the time as we do. I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND]. [Loud applause.]

Mr. DE ARMOND. Mr. Speaker, no one, I think, could fail to be touched by the pathos in the voice and in the manner of our venerable friend from Ohio [Mr. GROSVENOR] [laughter] appealing to the gentlemen on his side to forego any spirit of independence or individuality that they may have and submit quietly to the lash which the leaders are about to apply to them. It is not for me to say what the effect of that appeal will be. It is useless for me even to speculate upon it.

Perhaps the gentleman from Ohio has overlooked one or two things that are among the resources of the majority in time of extremity; and I was somewhat surprised to know that the gentleman from Pennsylvania [Mr. DALZELL] apparently had overlooked those things himself, because there was a melancholy chord in his plea to the House and in his song of triumph. There was a reference that seemed somewhat sad and somewhat apprehensive, I thought.

Two things the gentleman has overlooked; and I mention them to give him heart and courage. One is that you now have WAGONER among you. [Applause and laughter on the Democratic side.] The other is that it was demonstrated last night that there could be found in this House one man who would take the chair and override everything every other man conceded ought to be respected. [Applause on the Democratic side.] Perhaps the modesty of the gentleman from Pennsylvania caused him to refrain from reassuring his fellows upon the other side that if the worst should come—if extremities should be reached—they might always rely upon him to do that which nobody else would do. [Applause on the Democratic side.]

The gentleman from Ohio felicitates himself upon the fact that the "Reed rules" are to be enforced. I never was an admirer of Mr. Reed, while recognizing, of course, his great qualities; but I would to God that a man of the ability and the pride of character of Reed could be found in the chair when things are to be done under the "Reed rules," instead of a man of the less ability of the gentleman from Pennsylvania, without any of Reed's pride of character. [Applause on the Democratic side.]

I hope that as we progress in these affairs of legislation—as we go on in the dispatch of the public business—it will not be necessary often to call for the exercise of the peculiar talents displayed last night, when there was a denial of the immemorial right to a division—when the question of the presence of a quorum was ignored—when a minority, without authority, without right, without any decent pretense of right, did that which only a majority can do, and which, I am charitable enough to conclude, a majority was ashamed to do; and therefore it had to be done by a minority.

Mr. Speaker, this is a very peculiar rule, as I suppose the gentlemen who formulated it must have discovered. After the

adoption of this rule—and I hope the apprehensions of the gentleman from Ohio are groundless, that there may be somebody over there who has enough independence and individuality, enough of regard for his constituents, to fail to be whipped in—if this rule should be adopted, then, according to its terms—

It shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments, and such amendments having been read the question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

We can stand that as well as you can, gentlemen. Under that rule a vote against going into conference is a vote for all the amendments—one or fifty, one hundred or a thousand—a vote for all of them. Do you suppose legislation passed in that way will stand the test of the courts? Do you suppose that there, too, the whip and spur may prove effective? Do you suppose that there, too, the lash of the "boss" may count, and that the independence and conscience and judgment of the judiciary may be lost? I think not. [Loud and long-continued applause.]

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, I confess that I was one of the Democrats who, a few hours before it took place, had some doubt whether the Republicans of this House would resort to the unconstitutional and outrageous methods which they did carry into effect yesterday. I think we may as well be plain, and as I was one of the eyewitnesses last night I wish to say that I saw every Republican on the other side of the House rise on the resolution and stand until he was counted by the Speaker pro tempore, the gentleman from Pennsylvania, and there were only 162, with less than 8 members on this side—either 6 or 7—while it required 177 to constitute a quorum.

The division was made, 162 on that side and 2 on this, with not a half dozen members in the House who failed to vote. The point of no quorum was made, for it is a constitutional requirement that a quorum must be present to do business. The point was overruled and decided as frivolous. The majority seated a member in this House when there was not a quorum present, and they can not bring the affidavits of members to show that there was a quorum of this House present when that business was transacted. Not only that, but all the roll calls of yesterday show that at no time were there over 165 Republicans present or voting. Taking those present who voted as present to help make a quorum, the highest count of the record shows 165, and yet the Republican Speaker last night, at a time when necessary, was able to count 174 Republicans present, no doubt more than were in Washington at the time.

I say that something ought to be done to put the seal of public condemnation upon such outrageous conduct. [Applause on the Democratic side.] If the time has come when the members of this House are to be controlled by mere brutal force, such as was exercised by the gentleman from Pennsylvania last night—and let me remark in this connection that it is very unfortunate for the Republicans that the gentleman from Pennsylvania is the one who offers this rule, for the cause for it is due to his own unconstitutional and outrageous conduct perpetrated as Speaker pro tempore of the House on last evening—then I say something should be done to call the attention of the country to the pernicious and outrageous methods to which the Republicans resorted on yesterday in order to do an unjust act in an unconstitutional way. [Applause on the Democratic side.]

I reserve the balance of my time, and yield it back to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time now remains to the minority?

The SPEAKER. Six minutes.

Mr. RICHARDSON of Tennessee. I hope the gentleman will use a portion of his now, unless he intends to close in one speech.

Mr. DALZELL. Mr. Speaker, I intend to close on this side in a single speech.

Mr. RICHARDSON of Tennessee. Mr. Speaker, there never was a rule presented to this House as inexcusable as this rule. We are forced here by conditions which have been clearly and succinctly stated by the gentleman from Missouri [Mr. DE ARMOND] and the gentleman from Illinois [Mr. WILLIAMS] to make this fight as we are making it.

We endeavored, Mr. Speaker, to comply with the constitutional requirements, plain as they can be written in that document, and we were ruthlessly overridden. Nothing is left for us but to demand the yeas and nays upon questions that are presented here, and in doing so we only demand that the rules of the House be complied with. They are Republican rules made by a Repub-

lican House, and when we invoke the execution of those rules we are told that we are doing something unwarranted and unjustifiable under the the custom and under the law. I deny it, Mr. Speaker. We have a right and the country expects us to require you to legislate in conformity with your rules, and we intend to do it, let the consequences be what they may. [Applause on the Democratic side.] The first gentleman who spoke said that we are taking up the time unnecessarily and preventing the passage of necessary appropriation bills. What were you doing yesterday, gentlemen of the majority? Why did you not take up the hours spent from 12 until 8 last night in passing necessary supply bills? [Laughter on the Republican side.]

Instead of presenting those bills, if you were sincere and honest—instead of presenting them, as you should have done if you wanted to relieve the country, you indulged yourselves in the pleasant pastime of unseating a member who had been justly and constitutionally elected to a seat in this House. [Applause on the Democratic side.] And this you did without a quorum. I say, Mr. Speaker, advisedly, there was no quorum present when it was announced in this House on yesterday evening, and we know it. [Applause on the Democratic side.] The record shows there was no quorum present. The gentleman temporarily in the chair did not undertake to say there was a quorum present, but he said that the call of the House, made at least a half hour before, and I think longer, showed that there was a quorum present. Nineteen gentlemen were marked "present" on that call, and the Chair stated that they had answered "present" when called. Were those gentlemen here an hour later in this Hall when they were counted "present" to make a quorum, or assumed to be present? The Chair did not condescend to make any count, although it was demanded regularly, but said the call of the House, made an hour before, showed that there was a quorum present.

Mr. LANDIS. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. RICHARDSON of Tennessee. No, no; I can not stop. I wish I had the time. I do not wish to be disrespectful, but I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. RICHARDSON of Tennessee. Mr. Speaker, there never was such a condition before presented to the House of Representatives as appeared yesterday evening. Some gentleman cites a precedent for the action taken yesterday by referring to the action of the Speaker in the Fifty-first Congress, who, after a roll call had shown that there was a quorum, a very little time thereafter saw fit to hold that a quorum was present and that a point of order that no quorum was present was dilatory. Now, that was not justifiable. No business had then intervened, but there was some excuse for his action then, because it was done within two or three or four or five minutes after the roll call, when the roll call showed a quorum.

But on yesterday evening the business following this roll call, which, it is claimed, showed a quorum, was protracted, as this record shows, for more than half an hour. The record does not show the exact time, but the intervening facts and circumstances show it, and I assert it here, and there are men here who know it to be true. And yet, taking that half hour after the close of the roll call and taking the half hour and more necessary for the calling of the roll, there was more than one hour from the time Mr. BABCOCK, whose name appears as one of the first on the roll, answered "present" and when he was considered present to make the quorum. It was not claimed that he was counted to make the quorum. And so with the other 18 gentlemen who were "considered" present for the purpose of making a quorum, in order that a member might be robbed of his seat.

Mr. Speaker, I do not believe that the 19 members marked "present" on that call of the House were present an hour afterwards when they were considered present—not counted—considered present, assumed to be present, for the purpose of making this quorum. If they were not here, you did not have a quorum. If they were here, as stated by the gentleman from Illinois, there was still not a quorum of this House present. The vote on a call for division showed there was less than a quorum. And, Mr. Speaker, that is not all. If they were here when the question was put by a viva voce vote and a division was demanded, the division was ruthlessly refused by the gentleman occupying the Chair, no reason being assigned. He did not even tell us it was dilatory. He ignored the request, and immediately afterwards, when the third request was made, he recognized the demand for a division. I inquired, "Why do you recognize the demand for a division now, after declining it only a moment ago?" No reason was given, but he ruthlessly, recklessly, arbitrarily overrode the minority and refused the simple request that there be a division in order that members of the House might be counted. And this at least an hour after the roll call showed the quorum.

Mr. Speaker, the result of it was you took the seat unjustly. You deprived a member of his right here, coming from a Democratic district, a district that has voted in favor of Democratic members of Congress almost without exception for thirty years, a district that voted the Democratic ticket for President, that voted it for governor in the last election, that votes it for the legislature in that county, that votes it for the municipal offices in that city, and that in their right to choose their Representative sent a Democrat here from a Democratic district. And yet you arbitrarily refused him his seat, and seated "Judge" WAGONER, of St. Louis. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. I yield the remaining time to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. There are nine minutes remaining.

Mr. DALZELL. I yield nine minutes. [Applause on the Republican side.]

Mr. CANNON. I crave the attention of the House for, I hope, not over five minutes.

Mr. Speaker, this is a government by the majority. The majority is responsible, from time to time, as the pendulum swings back and forth from one side of the House to the other. The majority has the right to legislate. The minority has the right to criticize. In the last analysis both are responsible to the people. The majority on yesterday saw proper, believing that they were doing righteous work, to seat a contestant. The minority saw proper, believing that they were doing a righteous work, to interpose every possible objection to the seating of the contestant. It was fought out to a finish. The contestant is seated. The contestee is unseated. There is only one appeal, and that is to the just public sentiment of the country. I might say bitter things, that the minority of the people of the Missouri Congressional district was represented in yesterday's sitting member, Mr. Butler, and that the majority is represented to-day by the sitting member, Judge WAGONER. That matter is over. It is behind us.

There are about four or five days in front of us until this Congress expires by limitation. Notice has come from the minority that no business shall be done until every roll call possible has been had. That would take three months' time. Now, the minority must abandon its obstructive tactics or the majority, under law—under the Reed rules, by which we can cut off dilatory action and under which the majority can make a temporary rule that will enable it to cut off all debate—must take that action and move on. If we fail to take it we are responsible, being in the majority. If we take it, having the power, we are still responsible, we but perform our duty.

I might stop and reply to the honorable gentleman from Missouri [Mr. DE ARMOND], to whom I always listen with interest on account of the beauty and perfection—

Mr. DE ARMOND. I should be flattered if you would reply to me.

Mr. CANNON. On account of the beauty and perfection of his sentences; but, after all, when you come to analyze them, he proposes now not to put Butler in and to put WAGONER out; but he says, "Because in a contest in the American House of Representatives a majority saw proper to exercise its constitutional right and follow its judgment, I will not play; but with revenge in my actions, I will have this Congress end in nothing, so far as passing the necessary bills to supply the service of the Government is concerned." He is welcome to that position. He is responsible to his constituency. It is not for me to criticize him. He is full grown, and must choose his own course.

But as for me—and as I turn to this side of the House upon which rests the responsibility—I trust I can say as for us, we will move on. [Applause on the Republican side.] Upon us rests the burden of doing things. They say that "all things come to him who waits." [Laughter.] I say all good comes to the majority that does the best it can in performing the public business. [Applause on the Republican side.] There are many bills on the Calendar. One thing is certain, it will take, unless by much of unanimous consent, all of our time to dispose of these money bills that must pass or the Government stops. Other bills that are on the Calendar may be disposed of after this order is adopted and the conference committees get to work. There are scores of bills on the Calendar that the majority ought to dispose of. If you follow out your plan, they will go to their tomb. They are of that nature that would not necessitate an extra session; would not stop the wheels of Government.

Now, having said this much in good temper, I think, in cold blood and in courtesy, I can again say that we will move on with our majority and do the business that must be done, not that we want to run over the minority. I trust you will quit. [Laughter.] I trust a night or two nights' sleep will make you realize that you but punish yourselves, because we have the power and the determination here to transact that business that must be done,

whatever you do, gentlemen. [Loud applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, I move the previous question.

The SPEAKER. The gentlemen from Pennsylvania asks for the previous question:

The question was taken on ordering the previous question, and the Speaker announced that the yeas appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. DALZELL. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 167, nays 113, answered "present" 10, not voting 61; as follows:

YEAS—167.

Acheson,	Davidson,	Jones, Wash.	Powers, Me.
Adams,	Deemer,	Joy,	Powers, Mass.
Alexander,	Dick,	Kahn,	Reeder,
Allen, Me.	Douglas,	Knapp,	Reeves,
Aplin,	Dovener,	Kyle,	Roberts,
Babcock,	Draper,	Lacey,	Schirm,
Ball, Del.	Eddy,	Landis,	Scott,
Bartholdt,	Emerson,	Lawrence,	Shattuc,
Bates,	Esch,	Lesser,	Shelden,
Beidler,	Fletcher,	Lewis, Pa.	Showalter,
Bishop,	Fordney,	Littauer,	Sibley,
Blakeney,	Foss,	Littlefield,	Smith, Ill.
Boreing,	Foster, Vt.	Long,	Smith, Iowa
Boutell,	Fowler,	Loud,	Smith, H. C.
Bowersock,	Gaines, W. Va.	Loudenslager,	Smith, S. W.
Brandegge,	Gardner, Mich.	Lovering,	Smith, Wm. Alden
Brick,	Gardner, N. J.	McCall,	Southard,
Bristow,	Gibson,	McCleary,	Southwick,
Brown,	Gill,	McLachlan,	Sperry,
Brownlow,	Gillet, N. Y.	Mahon,	Steele,
Bull,	Gillett, Mass.	Marshall,	Stevens, Minn.
Burk, Pa.	Graff,	Martin,	Stewart, N. Y.
Burke, S. Dak.	Greene, Mass.	Mercer,	Storm,
Burkett,	Grosvenor,	Miller,	Sulloway,
Burleigh,	Hamilton,	Minor,	Tawney,
Burton,	Hanbury,	Mondell,	Taylor, Ohio
Butler,	Haskins,	Moody,	Thomas, Iowa
Calderhead,	Haugen,	Morgan,	Tirrell,
Cannon,	Heatwole,	Morris,	Tompkins, Ohio
Capron,	Hedge,	Moss,	Van Voorhis,
Cassel,	Hemenway,	Mudd,	Wachter,
Conner,	Henry, Conn.	Needham,	Wadsworth,
Coombs,	Hepburn,	Nevin,	Wagoner,
Cooper, Wis.	Hildebrandt,	Olmsted,	Wanger,
Cousins,	Hill,	Otjen,	Warner,
Cromer,	Hitt,	Overstreet,	Warnock,
Crumpacker,	Holliday,	Palmer,	Watson,
Currier,	Hopkins,	Parker,	Weeks,
Curtis,	Howell,	Patterson, Pa.	Woods,
Cushman,	Hull,	Payne,	Wright,
Dalzell,	Irwin,	Pearre,	Young.
Darragh,	Jenkins,	Perkins,	

NAYS—113.

Adamson,	Flanagan,	Lloyd,	Russell,
Allen, Ky.	Fleming,	McClellan,	Ryan,
Ball, Tex.	Flood,	McCulloch,	Scarborough,
Bankhead,	Fox,	McLain,	Shackelford,
Bartlett,	Gaines, Tenn.	McRae,	Sheppard,
Benton,	Gilbert,	Maddox,	Sims,
Billmeyer,	Glenn,	Mahoney,	Slayden,
Bowie,	Goldfogle,	Maynard,	Small,
Breazeale,	Gooch,	Mickey,	Smith, Ky.
Broussard,	Gordon,	Miers, Ind.	Snook,
Brundidge,	Griggs,	Moon,	Stark,
Burgess,	Hay,	Mutchler,	Stephens, Tex.
Caldwell,	Hooker,	Neville,	Swann,
Candler,	Howard,	Newlands,	Swanson,
Clark,	Jackson, Kans.	Norton,	Tate,
Clayton,	Johnson,	Padgett,	Taylor, Ala.
Cochran,	Jones, Va.	Patterson, Tenn.	Thayer,
Cooney,	Kehoe,	Pierce,	Thomas, N. C.
Cooper, Tex.	Kern,	Pou,	Thompson,
Cowherd,	Kitchin, Wm. W.	Randell, Tex.	Trimble,
Creamer,	Kluttz,	Reid,	Underwood,
Crowley,	Lamb,	Rhea,	Vandiver,
Davey, La.	Latimer,	Richardson, Ala.	White,
Davis, Fla.	Lester,	Richardson, Tenn.	Wiley,
De Armond,	Lever,	Rixey,	Williams, Ill.
Dinsmore,	Lewis, Ga.	Robb,	Zenor.
Dougherty,	Lindsay,	Robertson, La.	
Feely,	Little,	Robinson, Ind.	
Fitzgerald,	Livingston,	Rucker,	

ANSWERED "PRESENT"—10.

Cassingham,	Jack,	Metcalf,	Sherman.
Foster, Ill.	Ketcham,	Morrell,	
Glass,	Mann,	Prince,	

NOT VOTING—61.

Barney,	Dwight,	Kitchin, Claude	Snodgrass,
Bell,	Edwards,	Kleberg,	Sparkman,
Bellamy,	Elliott,	Knox,	Spight,
Belmont,	Evans,	Lassiter,	Stewart, N. J.
Bingham,	Finley,	McAndrews,	Sulzer,
Blackburn,	Foerderer,	McDermott,	Sutherland,
Brantley,	Gardner, Mass.	Meyer, La.	Talbot,
Bromwell,	Graham,	Naphe,	Tompkins, N. Y.
Burleson,	Green, Pa.	Pugsley,	Vreeland,
Burnett,	Griffith,	Ransdell, La.	Wheeler,
Connell,	Grow,	Robinson, Nebr.	Williams, Miss.
Conry,	Henry, Miss.	Ruppert,	Wilson,
Corliss,	Henry, Tex.	Selby,	Wooten.
Dahle,	Hughes,	Shafroth,	
Dayton,	Jackson, Md.	Shallenberger,	
Driscoll,	Jett,	Skiles,	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. KNOX with Mr. CONRY.

Until 3 p. m.:

Mr. GROW with Mr. BURLESON.

On this vote:

Mr. KETCHAM with Mr. SNODGRASS.

Mr. STEELE with Mr. ELLIOTT.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore (Mr. GROVESNOR). The question now is on agreeing to the resolution.

The Chair proceeded to put the question.

Mr. DALZELL. Mr. Speaker, we might as well have the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 105, answered "present" 7, not voting 82; as follows:

YEAS—157.

Acheson,	Dick,	Jack,	Powers, Mass.
Adams,	Douglas,	Jackson, Md.	Reeder,
Alexander,	Dovener,	Jenkins,	Reeves,
Allen, Me.	Draper,	Jones, Wash.	Roberts,
Applin,	Driscoll,	Joy,	Schirm,
Babcock,	Eddy,	Kahn,	Shattuc,
Ball, Del.	Emerson,	Ketcham,	Shelden,
Bartholdt,	Esch,	Knapp,	Showalter,
Bates,	Foss,	Kyle,	Sibley,
Beidler,	Foster, Vt.	Lacey,	Smith, Ill.
Bishop,	Fowler,	Lawrence,	Smith, Iowa
Blackburn,	Gaines, W. Va.	Lessler,	Smith, H. C.
Blakeney,	Gardner, Mass.	Lewis, Pa.	Smith, S. W.
Boreing,	Gardner, Mich.	Littauer,	Southard,
Boutell,	Gardner, N. J.	Littlefield,	Southwick,
Brandeggee,	Gibson,	Long,	Sperry,
Brick,	Gillet, N. Y.	Loud,	Steele,
Bristow,	Gillet, Mass.	Loudenslager,	Stevens, Minn.
Brown,	Graff,	Lovering,	Stewart, N. Y.
Brownlow,	Greene, Mass.	McCall,	Storm,
Burk, Pa.	Grosvenor,	Mahon,	Sulloway,
Burke, S. Dak.	Hamilton,	Marshall,	Tawney,
Burkett,	Hanbury,	Martin,	Taylor, Ohio
Burleigh,	Haskins,	Mercer,	Thomas, Iowa
Burton,	Haugen,	Minor,	Tirrell,
Butler,	Heatwole,	Moody,	Tompkins, Ohio
Capron,	Hedge,	Moss,	Van Voorhis,
Cassel,	Hemenway,	Mudd,	Vreeland,
Conner,	Henry, Conn.	Needham,	Wadsworth,
Coombs,	Hepburn,	Nevin,	Wagoner,
Cooper, Wis.	Hildebrandt,	Olmsted,	Wanger,
Cousins,	Hill,	Otjen,	Warner,
Cramer,	Hitt,	Overstreet,	Warnock,
Crumacker,	Holliday,	Palmer,	Weeks,
Currier,	Hopkins,	Parker,	Woods,
Curtis,	Howell,	Patterson, Pa.	Wright,
Cushman,	Hughes,	Payne,	Young.
Dalzell,	Hull,	Perkins,	
Davidson,	Irwin,		
Deemer,			

NAYS—105.

Adamson,	Flood,	McCulloch,	Shallenberger,
Allen, Ky.	Fox,	McRae,	Sheppard,
Ball, Tex.	Gaines, Tenn.	Maddox,	Sims,
Bankhead,	Gilbert,	Mahoney,	Slayden,
Bartlett,	Goldfogle,	Maynard,	Smith, Ky.
Billmeyer,	Gordon,	Mickey,	Snodgrass,
Bowie,	Griggs,	Miers, Ind.	Snook,
Breazale,	Hay,	Mitchler,	Sparkman,
Broussard,	Henry, Tex.	Howell,	Stark,
Brundidge,	Howard,	Jackson, Kans.	Stephens, Tex.
Burgess,	Jackson, Va.	Newlands,	Sulzer,
Caldwell,	Kehoe,	Padgett,	Swanson,
Candler,	Kern,	Patterson, Tenn.	Tate,
Clark,	Kitchin, Claude	Pou,	Thayer,
Clayton,	Kitchin, Wm. W.	Pugsley,	Thomas, N. C.
Cochran,	Kluttz,	Randell, Tex.	Thompson,
Cooney,	Lamb,	Richardson, Ala.	Trimble,
Coover, Tex.	Latimer,	Richardson, Tenn.	Underwood,
Cowherd,	Lester,	Robb,	White,
Davey, La.	Lever,	Robertson, La.	Williams, Ill.
Davis, Fla.	Lindsay,	Robinson, Ind.	Williams, Miss.
De Armond,	Little,	Rucker,	Wilson,
Dinsmore,	Livingston,	Russell,	Zenor.
Dougherty,	Lloyd,	Ryan,	
Feely,	McAndrews,	Shackleford,	
Fitzgerald,	McClellan,		
Flanagan,			

ANSWERED "PRESENT"—7.

Burleson,	Cassingham,	Metcalf,	Sherman.
Cannon,	Mann,	Morrell,	

NOT VOTING—82.

Barney,	Creamer,	Glass,	Lewis, Ga.
Bell,	Crowley,	Glenn,	McCleary,
Bellamy,	Dahle,	Gooch,	McDermott,
Belmont,	Darragh,	Graham,	McLachlan,
Benton,	Dayton,	Green, Pa.	McLain,
Bingham,	Dwight,	Griffith,	Meyer, La.
Bowersock,	Edwards,	Mondell,	Morgan,
Brantley,	Elliott,	Henry, Miss.	Morris,
Bromwell,	Evans,	Hooker,	Napfen,
Bull,	Finley,	Jett,	Norton,
Burnett,	Fleming,	Johnson,	Powers, Me.
Calderhead,	Fletcher,	Kieberg,	Prince,
Connell,	Foerderer,	Knox,	Reid,
Conry,	Fordney,	Lassiter,	
Corliss,	Poster, Ill.		

Rixey,	Shafroth,	Sutherland,	Wachter,
Robinson, Nebr.	Skiles,	Swann,	Watson,
Ruppert,	Small,	Talbert,	Wheeler,
Scarborough,	Smith, Wm. Alden	Taylor, Ala.	Wooten.
Scott,	Spight,	Tompkins, N. Y.	
Selby,	Stewart, N. J.	Vandiver,	

So the resolution was agreed to.

The following additional pairs were announced:

For the session:

Mr. MANN with Mr. JETT.

On this vote:

Mr. LANDIS with Mr. ELLIOTT.

Mr. MOSS. Mr. Speaker, I desire to vote. I was sitting in my seat, but there was more or less confusion around me, and I did not hear my name called.

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called and did not hear it?

Mr. MOSS. I was.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. Moss; and he answered "aye," as above recorded.

Mr. FORDNEY. Mr. Speaker, I wish to vote.

The SPEAKER pro tempore. Was the gentleman in his seat listening when his name should have been called?

Mr. FORDNEY. I was not.

The SPEAKER pro tempore. The gentleman can not vote.

Mr. BURLESON. Mr. Speaker, on the roll call I voted "no." I was paired with the gentleman from Pennsylvania, Mr. GROW. Mr. GROW is present; and if he is allowed to vote, I will permit my vote to stand.

The SPEAKER pro tempore. That can not be done.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The Chair lays before the House a House bill with Senate amendments, which the Clerk will report by its title.

The Clerk read as follows:

A bill (H. R. 10910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The SPEAKER pro tempore. The Clerk will read the amendments proposed by the Senate.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask a conference with the Senate?

Mr. RICHARDSON of Tennessee. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 263, nays 1, answered "present" 8, not voting 79; as follows:

YEAS—263.

Acheson,	Cooper, Tex.	Gillet, N. Y.	Lever,
Adamson,	Cooper, Wis.	Gillet, Mass.	Lewis, Ga.
Alexander,	Cousins,	Goldfogle,	Lewis, Pa.
Allen, Ky.	Cowherd,	Gooch,	Lindsay,
Allen, Me.	Cramer,	Gordon,	Littauer,
Applin,	Crowley,	Graff,	Little,
Babcock,	Crumacker,	Greene, Mass.	Littlefield,
Ball, Del.	Currier,	Griggs,	Livingston,
Ball, Tex.	Curtis,	Grosvenor,	Lloyd,
Barney,	Cushman,	Grow,	Loud,
Bartholdt,	Dahle,	Hamilton,	Loudenslager,
Bates,	Davey, La.	Haskins,	Lovering,
Beidler,	Davidson,	Haugen,	McAndrews,
Billmeyer,	De Armond,	Hay,	McCall,
Bishop,	Deemer,	Hedge,	McCleary,
Blackburn,	Dick,	Dinsmore,	McClellan,
Blakeney,	Dinsmore,	Dougherty,	McCulloch,
Boreing,	Dougherty,	Douglas,	McLachlan,
Boutell,	Douglas,	Dovener,	McLain,
Bowersock,	Dovener,	Draper,	McRae,
Bowie,	Draper,	Driscoll,	Mahon,
Brandeggee,	Driscoll,	Dwight,	Mahoney,
Breazale,	Eddy,	Holliday,	Marshall,
Brick,	Elliott,	Hopkins,	Martin,
Broussard,	Emerson,	Howell,	Mickey,
Brown,	Esch,	Hughes,	Miers, Ind.
Brownlow,	Evans,	Hull,	Miller,
Brundidge,	Feely,	Irwin,	Minor,
Burk, Pa.	Fitzgerald,	Jackson, Md.	Mondell,
Burke, S. Dak.	Flanagan,	Jenkins,	Moody,
Burkett,	Fleming,	Kahn,	Moon,
Burleigh,	Fletcher,	Kehoe,	Morgan,
Burton,	Flood,	Kern,	Morris,
Calderhead,	Fordney,	Ketcham,	Moss,
Caldwell,	Foss,	Kitchin, Claude	Mudd,
Candler,	Foster, Vt.	Kitchin, Wm. W.	Mitchler,
Cannon,	Fox,	Kluttz,	Needham,
Conner,	Gaines, Tenn.	Knapp,	Neville,
Cassel,	Gaines, W. Va.	Kyle,	Nevin,
Clark,	Gardner, Mass.	Lacey,	Newlands,
Clayton,	Gardner, Mich.	Lamb,	Norton,
Cochran,	Gardner, N. J.	Landis,	Olmsted,
Conner,	Gibson,	Latimer,	Otjen,
Coombs,	Gilbert,	Lessler,	Overstreet,
Cooney,	Gill,	Lester,	Padgett.

Palmer, Parker, Patterson, Pa. Payne, Pearre, Perkins, Pierce, Pou, Powers, Me. Powers, Mass. Randell, Tex. Reeder, Reeves, Rhea, Richardson, Ala. Richardson, Tenn. Robb, Roberts, Robertson, La. Robinson, Ind.	Rucker, Russell, Ryan, Schirm, Scott, Selby, Shackleford, Shallenberger, Shattuc, Shelden, Sheppard, Showalter, Sibley, Sims, Slayden, Small, Smith, Iowa Smith, Ky. Smith, H. C. Smith, S. W.	Smith, Wm. Alden Snodgrass, Snook, Southard, Southwick, Sperry, Stark, Stephens, Tex. Sulloway, Sulzer, Swann, Tate, Tawney, Taylor, Ohio Thayer, Thomas, Iowa Thomas, N. C. Thompson, Tirrell, Tompkins, Ohio	Underwood, Vandiver, Van Voorhis, Vreeland, Wachter, Wadsworth, Wagoner, Wanger, Warnock, Watson, White, Wiley, Williams, Ill. Williams, Miss. Woods, Wright, Young, Zenor.
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NAYS—1.

Hooker.

ANSWERED "PRESENT"—8.

Cassingham, Foster, Ill.	Glass, Jack,	Mann, Morrell,	Sherman, Storm.
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NOT VOTING—79.

Adams, Bankhead, Bartlett, Bell, Bellamy, Belmont, Benton, Bingham, Brantley, Bristow, Bromwell, Bull, Burgess, Burnett, Butler, Connell, Conry, Corliss, Creamer, Dalzell,	Darragh, Davis, Fla. Dayton, Edwards, Finley, Foerderer, Fowler, Glenn, Graham, Green, Pa. Griffith, Hanbury, Henry, Miss. Hill, Howard, Jackson, Kans. Jett, Johnson, Jones, Va. Joy,	Kleberg, Knox, Lassiter, Lawrence, McDermott, Maddox, Maynard, Mercer, Metcalf, Meyer, La. Napen, Patterson, Tenn. Prince, Pugsley, Randell, La. Reid, Rixey, Robinson, Nebr. Ruppert, Scarborough,	Shafroth, Skiles, Smith, Ill. Sparkman, Spight, Steele, Stevens, Minn. Stewart, N. J. Stewart, N. Y. Sutherland, Swanson, Talbert, Taylor, Ala. Tompkins, N. Y. Trimble, Wheeler, Wilson, Wooten.
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So the amendments of the Senate were disagreed to, and it was ordered that a conference with the Senate be requested.

The SPEAKER announced the appointment of Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi as conferees on the part of the House.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 16990) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1904.

The amendments of the Senate were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments and ask for a conference with the Senate?

Mr. RICHARDSON of Tennessee. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 249, nays 0, answered "present" 9, not voting 93; as follows:

YEAS—249.

Acheson, Adamson, Alexander, Allen, Ky. Allen, Me. Aplin, Babcock, Ball, Del. Ball, Tex. Bartholdt, Bartlett, Bates, Beidler, Bell, Benton, Billmeyer, Bishop, Blackburn, Blakeney, Boreing, Boutell, Bowersock, Bowie, Brandegge, Brick, Bristow, Brown, Brownlow, Bull, Burgess, Burk, Pa. Burke, S. Dak. Burkett, Burleigh, Burleson, Burton, Calderhead, Candler, Cannon,	Capron, Cassel, Clark, Clayton, Cochran, Conner, Coombs, Cooper, Tex. Cooper, Wis. Cousins, Cowherd, Cromer, Crumpacker, Currier, Curtis, Cushman, Dahle, Dalzell, Davidson, De Armond, Deemer, Dick, Dinsmore, Dougherty, Douglas, Dovener, Draper, Driscoll, Eddy, Elliott, Emerson, Esch, Evans, Foely, Fitzgerald, Fleming, Fletcher, Flood, Fordney,	Foss, Foster, Vt. Fowler, Gaines, Tenn. Gaines, W. Va. Gardner, Mass. Gardner, Mich. Gardner, N. J. Gibson, Gilbert, Gill, Goldfogle, Gooch, Graff, Greene, Mass. Grosvenor, Grow, Hamilton, Haskins, Haugen, Hay, Heatwole, Hedge, Hemenway, Henry, Conn. Henry, Tex. Hepburn, Hildebrandt, Hill, Hitt, Holliday, Hooker, Howard, Howell, Hughes, Hull, Irwin, Jackson, Kans. Jackson, Md.	Jenkins, Jones, Va. Jones, Wash. Joy, Kahn, Kehoe, Kern, Kitchin, Claude Kitchin, Wm. W. Klutz, Knapp, Kyle, Lacey, Landis, Latimer, Lawrence, Lessler, Lester, Lever, Lewis, Ga. Lewis, Pa. Lindsay, Littauer, Little, Livingston, Lloyd, Long, Loud, Lovering, McCall, McCleary, McClellan, McCulloch, McLachlan, McLain, McRae, Maddox, Mahon, Mahoney,
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Marshall, Martin, Mercer, Miers, Ind. Miller, Minor, Moody, Moon, Morgan, Morris, Moss, Mudd, Mutchler, Needham, Neville, Nevin, Olmsted, Overstreet, Padgett, Palmer, Parker, Payne, Pearre, Perkins,

Pierce, Powers, Mass. Reeder, Reeves, Rhea, Richardson, Ala. Richardson, Tenn. Rixey, Robb, Roberts, Robinson, Ind. Rucker, Russell, Ryan, Scarborough, Schirm, Scott, Selby, Shackleford, Shallenberger, Shattuc, Sheppard, Showalter, Sibley,
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Sims, Slayden, Smith, Iowa Smith, Ky. Smith, H. C. Smith, S. W. Snodgrass, Southard, Southwick, Stark, Steele, Stephens, Tex. Stevens, Minn. Stewart, N. Y. Sulloway, Sulzer, Swanson, Tate, Tawney, Taylor, Ohio Taylor, Ala. Thayer, Thomas, Iowa

Thomas, N. C. Thompson, Tex. Tirrell, Tompkins, Ohio Underwood, Vandiver, Van Voorhis, Vreeland, Wadsworth, Wagoner, Wanger, Warner, Warnock, Watson, Weeks, White, Wiley, Williams, Ill. Woods, Wright, Young.

NAYS—0.

ANSWERED "PRESENT"—9.

Cassingham, Foster, Ill. Glass,	Jack, Lamb,	Mann, Prince,	Randell, Tex. Sherman.
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NOT VOTING—93.

Adams, Bankhead, Barney, Bellamy, Belmont, Bingham, Brantley, Brazeeale, Bromwell, Broussard, Brunridge, Burnett, Butler, Caldwell, Connell, Conry, Cooney, Corliss, Creamer, Crowley, Darragh, Davey, La. Davis, Fla. Dayton,	Dwight, Edwards, Finley, Flanagan, Foerderer, Fox, Gillett, N. Y. Gillett, Mass. Glenn, Gordon, Graham, Green, Pa. Griffith, Griggs, Hanbury, Henry, Miss. Hopkins, Jett, Johnson, Ketcham, Kleberg, Knox, Lassiter, Littlefield,	Loudenslager, McAndrews, McDermott, Maynard, Metcalf, Meyer, La. Mickey, Mondell, Morrell, Napen, Newlands, Norton, Otjen, Patterson, Pa. Patterson, Tenn. Pou, Powers, Me. Pugsley, Randell, La. Reid, Robertson, La. Robinson, Nebr. Ruppert, Shafroth,	Shelden, Skiles, Small, Smith, Ill. Smith, Wm. Alden Sparkman, Sperry, Spight, Stewart, N. J. Storm, Sutherland, Swann, Talbert, Tompkins, N. Y. Trimble, Wachter, Wheeler, Williams, Miss. Wilson, Wooten, Zenor.
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So the amendments of the Senate were disagreed to and a conference with the Senate was ordered.

Mr. RANDELL of Texas. Mr. Speaker, I desire to change my vote.

The SPEAKER. Call the gentleman.

The Clerk called the name of Mr. RANDELL of Texas.

Mr. RANDELL of Texas. First, Mr. Speaker, I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDELL of Texas. If I vote "aye," I vote to send the bill to conference, do I not?

The SPEAKER. Yes.

Mr. RANDELL of Texas. Now, suppose I am opposed to sending it to conference and vote "no," do I then vote in favor of all the amendments to the bill?

The SPEAKER. That is not a parliamentary inquiry at this stage of the proceedings. Call the gentleman.

The Clerk again called the name of Mr. RANDELL of Texas.

Mr. RANDELL of Texas. Mr. Speaker, I withdraw my vote of "no," and not being able to vote under the rule as I see proper, I will simply answer "present" and refuse to vote.

The result of the vote was announced as above recorded.

The SPEAKER announced as conferees on the part of the House, Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON.

ENROLLED BILLS SIGNED.

Mr. WATCHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16291. An act granting a pension to Laban McGahan;
H. R. 14813. An act granting a pension to William Mennecke;
H. R. 16352. An act to amend the act entitled "An act granting an increase of pension to Mary La Tourette Stotsenburg" approved June 2, 1900;
H. R. 16000. An act granting an increase of pension to John H. Amadon;
H. R. 15617. An act granting an increase of pension to William Keith;
H. R. 15528. An act granting an increase of pension to John C. Williams;
H. R. 15665. An act granting an increase of pension to John H. Carr;
H. R. 16361. An act granting an increase of pension to John W. Chancellor;

- H. R. 16368. An act granting an increase of pension to Eliza M. Hutchinson;
- H. R. 16381. An act granting an increase of pension to Lymus Wallace;
- H. R. 15798. An act granting an increase of pension to George Skinner;
- H. R. 14929. An act granting an increase of pension to John Keen;
- H. R. 16353. An act granting an increase of pension to William F. Ritchie;
- H. R. 16667. An act granting an increase of pension to Leroy N. Buell;
- H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;
- H. R. 16858. An act granting an increase of pension to James P. Foster;
- H. R. 4740. An act granting an increase of pension to James E. Wallace;
- H. R. 18004. An act granting an increase of pension to Peter B. Rouch;
- H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
- H. R. 8244. An act granting a pension to Bridget Logan;
- H. R. 3026. An act granting a pension to Martha J. Bishop;
- H. R. 16752. An act granting a pension to Anton Sauthoff;
- H. R. 11701. An act granting an increase of pension to John C. Wright;
- H. R. 16717. An act granting an increase of pension to Albert W. Thompson;
- H. R. 8061. An act granting a pension to Frances E. Wild;
- H. R. 4723. An act granting a pension to George A. Liston;
- H. R. 10506. An act granting a pension to Francis E. Luse;
- H. R. 17043. An act granting a pension to Martha Maddox;
- H. R. 11682. An act granting a pension to Mary E. Winterbottom;
- H. R. 3207. An act granting a pension to Johanna Buse;
- H. R. 1238. An act granting a pension to Margaret A. Stuart;
- H. R. 17306. An act granting a pension to Catherine McGuinn;
- H. R. 2913. An act granting a pension to Catherine A. Sawdy;
- H. R. 6656. An act granting a pension to Samantha Yant;
- H. R. 16309. An act granting a pension to Samuel H. Montanye;
- H. R. 14938. An act granting a pension to Benjamin F. Wilson;
- H. R. 13605. An act for the relief of George A. Detchemendy;
- H. R. 1087. An act granting an increase of pension to Matthew W. Lincoln;
- H. R. 5982. An act granting an increase of pension to Christine B. Knapp;
- H. R. 15533. An act granting an increase of pension to William H. France;
- H. R. 15558. An act granting an increase of pension to David A. Baldwin;
- H. R. 15629. An act granting an increase of pension to Edward Tattersall;
- H. R. 15466. An act granting an increase of pension to John H. Robson;
- H. R. 15688. An act granting an increase of pension to Franklin Williams;
- H. R. 15915. An act granting an increase of pension to Frank Stafford;
- H. R. 15894. An act granting an increase of pension to Lewis P. Everett;
- H. R. 16857. An act granting an increase of pension to Oliver W. Kile;
- H. R. 3752. An act granting an increase of pension to John E. Pickard;
- H. R. 16445. An act granting an increase of pension to John E. McDonald;
- H. R. 16423. An act granting an increase of pension to Eliza B. Abbott;
- H. R. 16364. An act granting an increase of pension to Patrick Carney;
- H. R. 14263. An act granting an increase of pension to Frederick Journal;
- H. R. 8085. An act granting an increase of pension to David K. Wardwell;
- H. R. 15748. An act granting an increase of pension to William Whitlock;
- H. R. 2813. An act granting an increase of pension to Emily Hawkins;
- H. R. 15645. An act granting an increase of pension to Wilson French;
- H. R. 17234. An act granting an increase of pension to David Flynn;
- H. R. 17297. An act granting an increase of pension to Joseph W. Fox;
- H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;
- H. R. 10691. An act granting an increase of pension to Daniel Van Wie;
- H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo;
- H. R. 16419. An act granting an increase of pension to James Harrison;
- H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;
- H. R. 6189. An act granting an increase of pension to Eli Potts;
- H. R. 17120. An act granting an increase of pension to Charles Shirar;
- H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;
- H. R. 5762. An act granting an increase of pension to William H. T. Hostetler;
- H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;
- H. R. 304. An act granting an increase of pension to George M. Duffy;
- H. R. 17090. An act granting an increase of pension to James T. Price;
- H. R. 16048. An act granting an increase of pension to John Graham;
- H. R. 13713. An act granting an increase of pension to Rebecca Randolph;
- H. R. 6724. An act granting an increase of pension to Julia Stilwell;
- H. R. 6498. An act granting an increase of pension to John A. Whitman;
- H. R. 14448. An act granting an increase of pension to James M. Cartmill;
- H. R. 12090. An act granting a pension to Arvilla N. Stocker;
- H. R. 9237. An act granting a pension to John Wallace;
- H. R. 1016. An act granting a pension to Charles S. F. Hilton;
- H. R. 17133. An act granting a pension to Kathinka Sichel;
- H. R. 15873. An act granting a pension to Minerva Murphy;
- H. R. 16275. An act granting a pension to Isaac B. Price;
- H. R. 7708. An act granting an increase of pension to Bridget Fallon;
- H. R. 6065. An act granting an increase of pension to James Garland;
- H. R. 3681. An act granting an increase of pension to Joseph A. Wilson;
- H. R. 8187. An act granting an increase of pension to William T. Moore;
- H. R. 4734. An act granting a pension to Deborah J. Fogle;
- H. R. 10505. An act granting a pension to Mabel A. Woolsey;
- H. R. 11546. An act granting a pension to Edward Bryan;
- H. R. 16077. An act granting a pension to Leighton M. Pervell, alias Charles H. Hunt;
- H. R. 9274. An act granting a pension to Jessie V. Cluxton;
- H. R. 13701. An act granting a pension to Theodore Buri;
- H. R. 10760. An act granting a pension to Wallace L. Scott;
- H. R. 17093. An act granting a pension to Caroline Schaefer;
- H. R. 15573. An act granting a pension to Cynthia Thomas;
- H. R. 17233. An act granting a pension to John Haynes;
- H. R. 16784. An act granting an increase of pension to Michael Howe;
- H. R. 11958. An act granting a pension to Henry H. Windes;
- H. R. 17101. An act granting an increase of pension to Joanna Glazer;
- H. R. 2199. An act to remove the charge of desertion from the military record of Jonas Albert;
- H. R. 5028. An act for the relief of Francis M. Oliver;
- H. R. 17296. An act granting an increase of pension to Newton Thayer;
- H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
- H. R. 4155. An act granting an increase of pension to Eliza Wende;
- H. R. 4501. An act granting a pension to Sarah D. Lightfoot;
- H. R. 13711. An act granting a pension to Simon M. Yates;
- H. R. 13881. An act granting a pension to William M. Wilson;
- H. R. 962. An act granting a pension to Rodney W. Anderson;
- H. R. 13719. An act granting a pension to Nancy McGuire;
- H. R. 942. An act granting a pension to John R. Dougherty;
- H. R. 15964. An act granting an increase of pension to Michael Murphy;
- H. R. 15843. An act granting an increase of pension to Louis W. Rowe;
- H. R. 15906. An act granting an increase of pension to Joseph Grenne;
- H. R. 15812. An act granting an increase of pension to Lucien B. Love;

H. R. 11871. An act granting an increase of pension to Ferdinand Heiskell;
 H. R. 5907. An act granting a pension to David S. Taylor;
 H. R. 5586. An act granting a pension to Oliver W. Newton;
 H. R. 13485. An act granting a pension to Louisa Josephine Stanwood;
 H. R. 15443. An act granting a pension to Eudora Wells; and
 H. R. 11888. An act granting a pension to William Vogan.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

Mr. RICHARDSON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 254, nays 0, answered "present" 7, not voting 90; as follows:

YEAS—254.

Adamson,	Dwight,	Kyle,	Robertson, La.
Alexander,	Eddy,	Lacey,	Robinson, Ind.
Allen, Ky.	Emerson,	Landis,	Rucker,
Allen, Me.	Esch,	Latimer,	Russell,
Aplin,	Evans,	Lawrence,	Scarborough,
Bail, Del.	Feely,	Lessler,	Schirm,
Bail, Tex.	Finley,	Lester,	Scott,
Bankhead,	Fitzgerald,	Lever,	Selby,
Barney,	Flanagan,	Lewis, Ga.	Shallenberger,
Bartholdt,	Fletcher,	Lewis, Pa.	Shattuc,
Bartlett,	Flood,	Lindsay,	Sheppard,
Bates,	Fordney,	Little,	Showalter,
Beidler,	Foss,	Livingston,	Sibley,
Benton,	Foster, Vt.	Lloyd,	Sims,
Billmeyer,	Fowler,	Long,	Slayden,
Bishop,	Fox,	Loudenslager,	Small,
Blackburn,	Gaines, Tenn.	Lowering,	Smith, Ill.
Blakeney,	Gaines, W. Va.	McAndrews,	Smith, Iowa
Boring,	Gardner, Mass.	McCall,	Smith, Ky.
Boutell,	Gardner, Mich.	McClary,	Smith, H. C.
Bowersock,	Gardner, N. J.	McClellan,	Smith, S. W.
Brandegee,	Gibson,	McCulloch,	Smith, Wm. Alden
Breazeale,	Gilbert,	McLachlan,	Snodgrass,
Brick,	Gillet, N. Y.	McLain,	Snook,
Bristow,	Goldfoglie,	Maddox,	Southard,
Broussard,	Gordon,	Mahon,	Southwick,
Brown,	Griggs,	Mahoney,	Stark,
Brownlow,	Grosvenor,	Marshall,	Steele,
Brundidge,	Grow,	Martin,	Stephens, Tex.
Burgess,	Hamilton,	Mercer,	Stevens, Minn.
Burk, Pa.	Hay,	Miers, Ind.	Stewart, N. Y.
Burke, S. Dak.	Heatwole,	Miller,	Sulzoway,
Burkett,	Hedge,	Minor,	Swanson,
Burleigh,	Hemenway,	Mondell,	Tate,
Burleson,	Henry, Conn.	Moody,	Tawney,
Burton,	Henry, Tex.	Moore,	Taylor, Ala.
Butler,	Hepburn,	Morgan,	Thomas, Iowa
Caldwell,	Hildebrandt,	Morris,	Thomas, N. C.
Candler,	Hill,	Moss,	Thompson,
Cassel,	Hitt,	Mudd,	Tirrell,
Clark,	Holliday,	Mutchler,	Tompkins, Ohio
Clayton,	Hooker,	Needham,	Trimble,
Comner,	Hopkins,	Nevin,	Underwood,
Coombs,	Howard,	Olmsted,	Vandiver,
Cooney,	Howell,	Otjen,	Van Voorhis,
Cooper, Tex.	Hughes,	Padgett,	Vreeland,
Cooper, Wis.	Hull,	Palmer,	Wachter,
Cousins,	Irwin,	Parker,	Wagoner,
Cromer,	Jack,	Patterson, Pa.	Wanger,
Crumpacker,	Jackson, Kans.	Payne,	Warner,
Curtier,	Jackson, Md.	Pearre,	Warnock,
Curtis,	Jenkins,	Perkins,	Watson,
Cushman,	Johnson,	Pou,	Weeks,
Dahle,	Jones, Va.	Powers, Mass.	White,
Dalzell,	Jones, Wash.	Randell, Tex.	Wiley,
Darragh,	Joy,	Reeder,	Williams, Ill.
Davidson,	Kehoe,	Reeves,	Williams, Miss.
Dayton,	Kern,	Rhea,	Woods,
Deemer,	Ketcham,	Richardson, Ala.	Wright,
Dick,	Kitchin, Claude	Richardson, Tenn.	Young,
Dougherty,	Kitchin, Wm. W.	Rixey,	Zenor.
Douglas,	Kluttz,	Robb,	
Dovener,	Knapp,	Roberts,	
Draper,			

NAYS—0.

ANSWERED "PRESENT"—7.

Calderhead,	Lamb,	Prince,	Sherman.
Cassingham,	Mann,	Shackelford,	

NOT VOTING—90.

Acheson,	Burnett,	Davis, Fla.	Glenn,
Adams,	Cannon,	De Armond,	Gooch,
Babcock,	Capron,	Dinsmore,	Graff,
Bell,	Cochran,	Driscoll,	Graham,
Bellamy,	Connell,	Edwards,	Green, Pa.
Belmont,	Coury,	Elliott,	Greene, Mass.
Bingham,	Corliss,	Fleming,	Griffith,
Bowie,	Cowherd,	Foerderer,	Hanbury,
Brantley,	Cramer,	Foster, Ill.	Haskins,
Brownwell,	Crowley,	Gillett, Mass.	Haugen,
Bull,	Davey, La.	Glass,	Henry, Miss.

Jett,
 Kahn,
 Kleberg,
 Knox,
 Lassiter,
 Littauer,
 Littlefield,
 Loud,
 McDermott,
 Maynard,
 Metcalf,
 Meyer, La.

Mickey,
 Morrell,
 Naphe,
 Neville,
 Newlands,
 Norton,
 Overstreet,
 Patterson, Tenn.
 Pierce,
 Powers, Me.
 Pugsley,
 Ransdell, La.

Reid,
 Robinson, Nebr.
 Ruppert,
 Ryan,
 Shafroth,
 Shelden,
 Skiles,
 Sparkman,
 Sperry,
 Spight,
 Stewart, N. J.
 Storm,

Sutherland,
 Swann,
 Talbert,
 Taylor, Ohio
 Thayer,
 Tompkins, N. Y.
 Wadsworth,
 Wheeler,
 Wilson,
 Wooten.

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this day:

Mr. ACHESON with Mr. WILSON.

For balance of this day:

Mr. HAUGEN with Mr. PUGSLEY.

Mr. TAYLER of Ohio with Mr. BOWIE (except public buildings).

Until next recess:

Mr. CALDERHEAD with Mr. COCHRAN.

On this vote:

Mr. BABCOCK with Mr. NEWLANDS.

The result of the vote was announced as above recorded.

Mr. SHERMAN and Mr. UNDERWOOD rose.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. CANNON, Mr. HEMENWAY, and Mr. McRAE.

Mr. UNDERWOOD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I rose properly and in order before the Speaker announced the appointment of the conferees, to move instructions to the conferees.

The SPEAKER. The gentleman will state the grounds, and then we will see whether they are proper or not.

Mr. UNDERWOOD. Mr. Speaker, there is one amendment to this bill that we necessarily had to vote against under these rules that I think the House should be in favor of and go on record now as in favor of. Therefore I move to instruct the House conferees to agree to Senate amendment No. 159.

The SPEAKER. The Chair is prepared to rule on the question. The rule adopted by the House this morning says that the Chair shall immediately appoint the conferees, and that the Chair has done, and that his duty was.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report.

Mr. UNDERWOOD. Mr. Speaker, the rule does not expressly cut off instructions. Of course it provides that the Chair shall appoint the conferees, but there is no language in this rule that cuts off the right of the House to express itself, and to instruct the conferees how to act. If the Chair will look at the rule, it says:

And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees—

The SPEAKER. The gentleman will suspend. We have no time to waste. The rule provides that—

The question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry. After the Speaker has appointed the conferees is there any opportunity to instruct them, or does this rule prevent any action of that kind on the part of the House?

The SPEAKER. After the Chair has appointed them, it would be in order.

Mr. UNDERWOOD. Does the Speaker hold that we have a right to instruct the conferees after they are appointed?

The SPEAKER. No; the Chair was wrong. The instructions must take place before the announcement of the conferees, and this rule lets in no intervening motion. The Chair overrules the gentleman's point and recognizes the gentleman from New York [Mr. SHERMAN].

Mr. UNDERWOOD. Mr. Speaker, I appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal, as dilatory.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 16970. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill.

The SPEAKER. The gentleman from New York calls up a conference report on the Indian appropriation bill.

Mr. SHERMAN. I ask unanimous consent that the statement may be read in lieu of the report. Is there objection?

The SPEAKER. The gentleman asks that the statement be read in lieu of the report.

Mr. RICHARDSON of Tennessee. I object. The rules require that the report be read.

The SPEAKER. Objection is made. The Clerk will read both the report and the statement.

Mr. RICHARDSON of Tennessee. We are within the rule.

The Clerk proceeded to read the conference report.

(For conference report see page 2626.)

The Clerk read the statement of the House conferees, as follows:

From amendments numbered 4, 8, 10, 25, 31, 40, 45, 56, 57, 58, 60, 63, 72, 73, 74, 84, 85, 93, and 95 the Senate recedes, leaving the bill in these particulars as it left the House.

The House recedes from amendments numbered 2, 3, 5, 6, 7, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 34, 35, 37, 38, 41, 42, 46, 48, 51, 52, 53, 54, 55, 61, 64, 65, 66, 67, 68, 69, 70, 71, 75, 76, 77, 78, 79, 80, 81, 82, 86, 87, 91, and 94.

The House recedes with an amendment to each of the following-numbered amendments: 1, 11, 27, 28, 30, 32, 33, 39, 43, 44, 47, 49, 50, 59, 62, 88, 89, 90, 92, and 95. The Senate recedes with an amendment from amendments numbered 36 and 83.

Amendment numbered 1 is a change in the number of agents, made necessary by amendments 2 to 10, inclusive.

No. 2 strikes out the appropriation for the Cheyenne and Arapahoe Agency. No. 3 changes the amount from \$1,500 to \$1,600 for salary of the Crow Creek Agency.

No. 5 strikes out the appropriation for the Klamath Agency.

No. 6 corrects a clerical error in spelling.

No. 7 strikes out the appropriation for the Ponca Agency.

No. 9 strikes out the appropriation for the Umatilla Agency.

No. 11 changes the totals made necessary by prior amendments.

No. 12 adds the word "negotiation," which enlarges the scope of the duties of an inspector.

No. 13 provides that the Commissioner of Indian Affairs may require an extra bond to be given by a disbursing officer when sums in excess of the amount covered by his ordinary bond are required to be disbursed by him.

No. 14 appropriates \$40,000, which under the terms of the act of 1889 are reimbursable, to carry out the provisions of the so-called Morris bill, passed at the first session of the Fifty-seventh Congress, providing for the disposal of timber upon the ceded lands of the Chippewa Reservation in Minnesota. This amendment is earnestly urged by the Department.

No. 15 changes the amount of principal upon which the Kickapoo Indians shall draw interest, made necessary by the disposal in amendment numbered 16, of a portion of the principal sum to be paid to the representative of a deceased Kickapoo, in accordance with a treaty provision.

Nos. 17 and 18 are changes of totals made necessary by the adoption of amendments numbered 15 and 16.

Nos. 19 and 20 are amendments making more clear to what treaty the provision in the section contained refers.

Nos. 21, 22, and 23 are simply changes of phraseology.

No. 24 makes available for the fiscal year 1904 the unexpended balance of the appropriation for 1903 for the support of the Apache Indians.

No. 26 authorizes the Secretary of the Interior to lease a small tract of land (20 acres) belonging to the Shoshone Indians to the Eastern Copper Company when three-fourths of the male Indians of said tribe consent to such lease.

No. 27 the House recedes with an amendment, making the appropriation \$600,000 instead of \$1,300,000. The amendment provides for the payment of the so-called loyal Creek claim. It has been mooted for some time, and it is claimed that the Senate has heretofore been made arbiters by action of both bodies of Congress, and that, acting as such, they have determined that \$1,300,000 was just and due. The sum fixed herein is a compromise and provision is made in the amendment that it be accepted in full payment of all claims and demands and act as a general relief of such claim against the Government.

No. 28 provides for the traveling expenses of the judges of the Choctaw and Chickasaw citizenship court, and for the employment of one stenographer for each of three judges of said court, and for the traveling expenses of the officers of said court, and appropriates \$10,100 for that purpose.

No. 29 provides that the United States Supreme Court may transfer the original papers in Choctaw and Chickasaw citizenship cases to the citizenship court in the Indian Territory for use by that court.

No. 30 provides for the rehearing and appeal of certain contested Choctaw and Chickasaw citizenship cases, and for the payment of compensation to attorneys employed by the members of said tribes in defense of suits heretofore brought and appeals therefrom.

No. 32 provides for the limitation for the location of town sites in the Indian Territory.

No. 33 provides that the so-called Eastern Cherokee Indians may become a party to any suit or suits which may be brought in behalf of the Cherokee Nation under the act of July 1, 1902.

No. 34 simply corrects a clerical mistake.

No. 35 increases from \$24,000 to \$40,000 the appropriation for allotments under the act of February 8, 1887.

No. 36 provides for the removal of indigent Mississippi Choctaws from Mississippi to the Indian Territory, and appropriates \$20,000 therefor, to be expended at the discretion and under the direction of the Secretary of the Interior.

Nos. 37 and 38 provide that the money therein appropriated for surveys may be used upon the Standing Rock as well as upon the Pine Ridge Indian reservations.

No. 39 authorizes the sale of certain lands owned by the Quapaw Indians, and directs the expenditure of \$2,000, heretofore appropriated and not before expended, for school purposes.

No. 41 provides for the opening of the Uintah Reservation in Utah and for the extension of the time within which certain entries may be made, as provided in the act of June 19, 1902, from October 1, 1903, to October 1, 1904.

No. 42 strikes from the bill an appropriation of \$6,000 which was provided for a resurvey of the western boundary of said Indian reservation.

No. 43 confirms the claims filed upon the Uncompahgre Indian Reservation prior to January 1, 1901, and provides that alternate sections of said mineral lands on said reservation shall be hereafter opened by proclamation of the President and upon terms and conditions to be prescribed by him in said proclamation.

No. 44 provides for negotiating with the Weeminuchi tribe of Indians for the ceding to the Government of a small portion of their lands in Colorado which include certain ruins and prehistoric remains.

No. 46 does not enlarge the scope of the amendment adopted last year in reference to the Mission Indians in California, but is made necessary by the ruling of the Auditor to the effect that the money appropriated in last year's act may not be used except for the removal of the Indians to the single tract.

No. 47 increases by \$350 the amount of said appropriation that can be used for the payment of the commission appointed under the terms of last year's appropriation act for the choosing of a site for the said Mission Indians.

No. 48 appropriates \$2,900 for the payment of surety bonds, given in the suits prosecuted against said Mission Indians by Harvey and others, commonly known as "the Warren ranch litigation."

No. 49 provides for compensation to the persons who have prepared the compilation of treaties and laws relating to Indian affairs.

No. 50 provides for compensation to certain settlers within the limits of the Northern Cheyenne Indian Reservation who have removed therefrom, and also provides that such settlers and others like situated may exchange their lands within an Indian reservation for other Government lands within said State or Territory.

No. 51 provides for the payment to S. W. Campbell, Indian agent at La Pointe Agency, of \$211 for certain attorney's fees, where the employment of the attorney was ordered by the Department.

No. 52 is an appropriation of \$57 for a like purpose to Reuben Perry, of the Flambeau school, Wisconsin.

No. 53 provides for the payment of \$1,200 to one Huff Jones, growing out of improvements made by him on the Chippewa Reservation, in Wisconsin, pursuant to authority granted by the then Indian agent, which authority was afterwards revoked.

No. 54 appropriates \$1,498 to Peter La Blanc, a Sisseton Indian, who acted as a scout during the war of the rebellion, who did not receive this payment when the others of his tribe in 1891 received like payments because of the fact that at that time he was absent from the reservation and his name was inadvertently omitted from the roll.

No. 55 appropriates \$190 to reimburse W. G. Malin, Indian agent at the Sac and Fox Indian Agency, Iowa, for court fees paid by him for the appointment of guardians for infant Indians.

No. 59 provides for the payment to Joseph H. Lee of \$3,700, the amount having been carried in last year's appropriation bill to Ernest A. Lee, who is the son of Joseph H. Lee.

No. 61 permits the sale of a small portion of land not now used by the Absentee Shawnee Indians.

No. 62 authorizes the Secretary, in his discretion and upon such conditions as he may prescribe, to permit the city of Lawton, Okla., to take water from the Fort Sill boarding school lands or reservation.

No. 64 provides an appropriation of \$5,000 for an auxiliary water supply at the Chamberlain school, South Dakota; No. 65 makes the appropriation for additional buildings at this school immediately available; and No. 66 is a change of the totals made necessary by No. 64.

No. 67 is a correction of an amount.

No. 68 increases the appropriation for general repairs at the Riggs Institute, South Dakota, from \$3,000 to \$4,000; No. 69 makes the same immediately available; and No. 70 changes the total made necessary by amendments Nos. 67 and 68.

No. 71 strikes from the bill words which are superfluous.

No. 75 reduces by \$5,000 the appropriation for the Indian pupils at the Haskell School, Lawrence, Kans.

No. 76 appropriates \$3,000 for the erection of new barns at this school in place of the ones burned, and for the purchase of agricultural implements, teams, &c., in place of those burned.

No. 77 is a change made necessary by amendments 75 and 76.

Nos. 78 and 79 increase by \$3,000 the appropriation for electric lighting at the Phoenix, Ariz., school, and provide for the institution of an electric-light plant at said school.

No. 80 is the change of total made necessary by the adoption of amendments 78 and 79.

No. 81 makes immediately available the appropriation of \$16,000 for additional buildings and improvements at Rapid City School, South Dakota.

No. 82 provides that with the purchase of additional land shall be included the perpetual right for the irrigation of said land at said school.

No. 83 restores the provision stricken out by the Senate relating to the Perriss School, California, and increases from \$1,800 to \$2,000 the salary of the superintendent of Riverside School, California.

No. 84 authorizes the Secretary to pay out of the funds of the Otoe Indians in the Treasury the sum of \$30,000 for the purpose of erecting a school plant for said Indians.

No. 87 increases by \$10,000 the appropriation for the transportation of pupils.

No. 88 authorizes the use of the money appropriated for irrigation, etc., without advertising for bids therefor.

No. 89 provides that the tribal government of the Seminole Nation shall not continue beyond March 4, 1906.

No. 90 provides for the issuance of patents to various allottees, both white and Indian.

No. 91 makes it permissible for any person to trade with the Indians upon establishing to the satisfaction of the Commissioner of Indian Affairs his responsibility and desirability as such trader.

No. 92: The House recedes with amendment. This provides for the submission of the terms of the proposed agreement with the Red Lake Indians of Minnesota, looking to the opening up of their reservation. It involves no expenditure on the part of the Government and expressly provides that in the sale and disposal of the land the United States acts solely as trustee for said Indians and assumes no obligation whatever.

No. 94 provides for submission to the Court of Claims of certain claims against the Osage Indians. It involves no liability of the Government.

Mr. SHERMAN. Mr. Speaker, I think if the members of the House have closely followed the reading of the report they will have a sufficient understanding of the whole matter, so that little further need be said. The amendments as a whole add about \$700,000 to the amount appropriated by the House, making the total that is carried a little over \$8,000,000. The main item of appropriation added is the payment of \$600,000—

Mr. LITTLE. I should like to inquire if it is the purpose of the gentleman to close the debate by the previous question?

Mr. SHERMAN. It is.

Mr. LITTLE. Shall we have any time on this side of the House?

Mr. SHERMAN. That was not my intention.

Mr. LITTLE. That is in keeping with the practice of that side of the House.

Mr. SHERMAN. I thought I could say all that need to be said

on the matter, and I think I understand the temper of the House fairly well in reference to it. I should like to suggest to my friend from Arkansas that the report I now present has his signature at the close of it.

Mr. LITTLE. It may be true that while we favor the conference report we may not favor the manner of its adoption. [Laughter.]

Mr. SHERMAN. I think, Mr. Speaker, that we will not enter into any discussion of that question with my consent.

I was about to say, Mr. Speaker, that the main item of appropriation added by this report is \$600,000 to pay the so-called Loyal Creek claims.

This is an item which the conferees on the part of the House believe to be a gratuity; that is, that it is a claim about which we believe there was no legal obligation on the part of the Government. The contention of the Senate conferees was the reverse. Their contention was that by the act of the two Houses in referring this claim to the Senate as arbitrators in the last Congress, and by the Senate appropriating in this bill, or inserting in this bill, a provision fixing the amount of the arbitration at \$1,200,000, that thereby the United States became bound to the payment of that claim of \$1,200,000.

It was the claim which kept us in conference longer by many hours—yes, by several days—than we would have been but for this. At the conclusion of a protracted conference the House conferees receded, with an amendment providing that the amount paid should be \$600,000, rather than \$1,200,000, and with a provision that the payment of this sum should be in full for all claims in satisfaction of the claims of these Indians, and the payment should be accepted as a discharge of the United States Government from those claims. The House conferees believed it wisdom under all the circumstances to dispose of this claim now by the payment of \$600,000, and believed by doing so that we would save to the Government money, because were it not paid now the Indians would surely present this claim to every succeeding Congress, and one of these days probably slip it through at \$1,200,000. So we believe—

Mr. CURTIS. In view of the fact that the Senate had found in the arbitration for \$1,200,000.

Mr. SHERMAN. So that we believe, in disposing of the claim as we have, we have saved to the Government \$600,000.

There are several minor items added by the Senate, amounting, all told, to a trifle over \$100,000. Some of them relate to schools and others to some minor little claims, but the great addition is this Loyal Creek claim.

There are several new matters of legislation on the Red Lake Reservation. There is presented in this bill a proposed agreement with the Indians of that reservation for the opening up of that reservation, not by the purchase of any land by the Government, and with a provision that it shall be submitted to the tribe for ratification; and if it shall be ratified by them, it is provided expressly that the United States shall simply act as trustee in the sale and disposal of the lands, and under no circumstances be obligated for the payment of a dollar. There is also a provision in the bill if the—

Mr. LITTLE. Mr. Speaker, I rise to a point of order. I think the gentleman is taking up the valuable time of the House. [Laughter.]

Mr. SHERMAN. Mr. Speaker, I move the previous question on the adoption of the report of the committee of conference.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. DE ARMOND. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 91, answered "present" 13, not voting 92; as follows:

YEAS—155.

Alexander,	Capron,	Fletcher,	Hildebrandt,
Allen, Me.	Cassel,	Foerderer,	Hitt,
Applin,	Conner,	Fordney,	Holliday,
Babcock,	Coombs,	Foss,	Hopkins,
Ball, Del.	Cousins,	Foster, Vt.	Howell,
Barney,	Cramer,	Fowler,	Hughes,
Bartholdt,	Crumpacker,	Gaines, W. Va.	Hull,
Bates,	Currier,	Gardner, Mass.	Irwin,
Beidler,	Curtis,	Gardner, Mich.	Jack,
Bishop,	Cushman,	Gardner, N. J.	Jackson, Md.
Blackburn,	Dahle,	Gibson,	Jenkins,
Blakeney,	Dalzell,	Gillet, N. Y.	Jones, Wash.
Boreing,	Darragh,	Gordon,	Joy,
Boutell,	Davidson,	Graff,	Kahn,
Brandegge,	Deemer,	Greene, Mass.	Ketcham,
Brick,	Dick,	Grosvenor,	Knapp,
Brown,	Douglas,	Grow,	Kyle,
Bull,	Dovener,	Hamilton,	Lacey,
Burk, Pa.	Draper,	Haskins,	Landis,
Burke, S. Dak.	Driscoll,	Hastings,	Lawrence,
Burkett,	Dwight,	Hedge,	Lessier,
Burleigh,	Eddy,	Hemenway,	Lewis, Pa.
Burton,	Esch,	Henry, Conn.	Littauer,
Butler,	Evans,	Hepburn,	Littlefield,

Long,
Loudenslager,
Lovering,
McCall,
McCleary,
McLachlan,
Mahon,
Marshall,
Martin,
Mercer,
Miller,
Minor,
Mondell,
Moody,
Morgan,

Morris,
Moss,
Mudd,
Needham,
Nevin,
Olmsted,
Otjen,
Overstreet,
Palmer,
Parker,
Payne,
Pearre,
Perkins,
Powers, Mass.
Reeder,

Reeves,
Roberts,
Schirm,
Scott,
Shattuc,
Showalter,
Sibley,
Smith, Ill.
Smith, Iowa
Smith, S. W.
Smith, Wm. Alden
Southwick,
Stevens, Minn.
Stewart, N. Y.
Sulloway,

Tawney,
Thomas, Iowa
Tirrell,
Van Voorhis,
Vreeland,
Wachter,
Wagoner,
Wagner,
Warnock,
Weeks,
Woods,
Wright,
Young.

NAYS—91.

Adamson,
Allen, Ky.
Ball, Tex.
Bankhead,
Bartlett,
Benton,
Billmeyer,
Breazeale,
Broussard,
Brundidge,
Burleson,
Candler,
Clark,
Clayton,
Cooper, Tex.
Cowherd,
Crowley,
De Armond,
Dismore,
Dougherty,
Feely,
Finley,
Fitzgerald,

Flanagan,
Flood,
Gaines, Tenn.
Goldfogle,
Gooch,
Griggs,
Hay,
Henry, Tex.
Hooker,
Jackson, Kans.
Johnson,
Jones, Va.
Kehoe,
Kern,
Kitchin, Claude
Kitchin, Wm. W.
Kluttz,
Latimer,
Lester,
Lever,
Lewis, Ga.
Little,
Livingston,

Lloyd,
McAndrews,
McClellan,
McCulloch,
McLain,
McRae,
Mahoney,
Mickey,
Miers, Ind.
Moon,
Mutchler,
Padgett,
Pou,
Randell, Tex.
Rhea,
Richardson, Tenn.
Rixey,
Robb,
Rucker,
Russell,
Ryan,
Selby,
Shackelford,

Shallenberger,
Sheppard,
Sims,
Slayden,
Small,
Smith, Ky.
Snodgrass,
Snook,
Stark,
Stephens, Tex.
Tate,
Taylor, Ala.
Thomas, N. C.
Thompson,
Trimble,
Underwood,
Vandiver,
White,
Wiley,
Williams, Ill.
Williams, Miss.
Zenor.

ANSWERED "PRESENT"—13.

Calderhead,
Cassingham,
Dayton,
Emerson,

Foster, Ill.
Lamb,
Mann,
Morrell,

Prince,
Richardson, Ala.
Robinson, Ind.
Sherman,

Smith, H. C.

NOT VOTING—92.

Acheson,
Adams,
Bell,
Bellamy,
Belmont,
Bingham,
Bowersock,
Bowie,
Brantley,
Bristow,
Brownlow,
Burgess,
Burnett,
Caldwell,
Cannon,
Cochran,
Connell,
Conry,
Cooney,
Cooper, Wis.
Corliss,
Creamer,

Davey, La.
Davis, Fla.
Edwards,
Elliott,
Fleming,
Fox,
Gilbert,
Gill,
Gillett, Mass.
Glass,
Glenn,
Graham,
Green, Pa.
Griffith,
Hanbury,
Haugen,
Henry, Miss.
Hill,
Howard,
Jett,
Kleberg,
Knox,
Lassiter,

Lindsay,
Lond,
McDermott,
Maddox,
Maynard,
Metcalf,
Meyer, La.
Naphen,
Neville,
Newlands,
Norton,
Patterson, Pa.
Patterson, Tenn.
Pierce,
Powers, Me.
Pugsley,
Ransdell, La.
Reid,
Robertson, La.
Robinson, Nebr.
Ruppert,
Scarborough,
Shafroth,

Shelden,
Skiles,
Southard,
Sparkman,
Sperry,
Metcalf,
Steele,
Stewart, N. J.
Storm,
Sulzer,
Sutherland,
Swann,
Swanson,
Talbert,
Tayler, Ohio
Thayer,
Tompkins, N. Y.
Tompkins, Ohio
Wadsworth,
Watson,
Wheeler,
Wilson,
Wooten.

So the previous question was ordered.

Mr. BABCOCK. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. BABCOCK. I desire to be recorded.

The SPEAKER. Was the gentleman present, in his seat, and listening when his name should have been called and failed to hear it?

Mr. BABCOCK. I was.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. BABCOCK, and he answered "aye," as above recorded.

Mr. ROBINSON of Indiana. Mr. Speaker, I find that I am paired with the gentleman from Connecticut, Mr. HILL. I desire to withdraw my vote of "no" and be marked "present."

The Clerk called the name of Mr. ROBINSON of Indiana, and he answered "present," as above recorded.

The following additional pairs were announced:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

Until further notice:

Mr. EMERSON with Mr. GILBERT.

Mr. HILL with Mr. ROBINSON of Indiana.

Mr. BRISTOW with Mr. LINDSAY.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

For the balance of this day:

Mr. WATSON with Mr. ROBERTSON of Louisiana.

Mr. HENRY C. SMITH with Mr. SULZER.

Mr. SHELLEN with Mr. MADDOX.

Mr. WADSWORTH with Mr. ELLIOTT.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to the conference report.

As the question was being put,
Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 206, nays 17, answered "present" 12, not voting 116; as follows:

YEAS—206.

Adamson,	Douglas,	Kahn,	Pearre,
Alexander,	Dovener,	Kehoe,	Perkins,
Allen, Ky.	Draper,	Kern,	Powers, Mass.
Allen, Me.	Driscoll,	Ketcham,	Randell, Tex.
Aplin,	Dwight,	Kitchin, Claude	Reeder,
Babcock,	Eddy,	Kitchin, Wm. W.	Reeves,
Ball, Del.	Emerson,	Klutz,	Robb,
Ball, Tex.	Esch,	Knapp,	Roberts,
Bankhead,	Evans,	Kyle,	Ryan,
Barney,	Feely,	Lacey,	Schirm,
Bartholdt,	Finley,	Landis,	Shattuc,
Bates,	Fitzgerald,	Latimer,	Shelden,
Beidler,	Flanagan,	Lawrence,	Showalter,
Billmeyer,	Fletcher,	Lessler,	Sibley,
Bishop,	Flood,	Lester,	Slayden,
Blackburn,	Foerderer,	Lever,	Smith, Ill.
Boreing,	Fordney,	Lewis, Pa.	Smith, Iowa
Boutell,	Foss,	Little,	Smith, S. W.
Bowersock,	Foster, Vt.	Littlefield,	Smith, Wm. Alden
Brandagee,	Gaines, Tenn.	Livingston,	Snodgrass,
Breazeale,	Gardner, Mass.	Lloyd,	Snook,
Brick,	Gardner, Mich.	Long,	Southard,
Broussard,	Gardner, N. J.	Loudenslager,	Southwick,
Brown,	Gibson,	McAndrews,	Stark,
Brundidge,	Gillet, N. Y.	McCleary,	Steele,
Bull,	Goldfogle,	McClellan,	Stevens, Minn.
Burgess,	Gordon,	McCulloch,	Stewart, N. Y.
Burke, S. Dak.	Greene, Mass.	McLachlan,	Sulzer,
Burkett,	Griggs,	Maddox,	Tawney,
Burleigh,	Grosvenor,	Mahoney,	Thomas, Iowa
Burleson,	Hamilton,	Marshall,	Thomas, N. C.
Burton,	Haskins,	Mercer,	Thompson,
Butler,	Heatwole,	Mickey,	Tirrell,
Candler,	Hedge,	Miers, Ind.	Tompkins, Ohio
Capron,	Hemenway,	Miller,	Underwood,
Cassel,	Henry, Tex.	Minor,	Vandiver,
Clark,	Hepburn,	Mondell,	Van Voorhis,
Clayton,	Hitt,	Moody,	Vreeland,
Conner,	Holliday,	Morgan,	Wadsworth,
Cromer,	Hooker,	Morris,	Wagoner,
Crumpacker,	Hopkins,	Moss,	Wanger,
Currier,	Howell,	Mudd,	Warnock,
Curtis,	Hughes,	Mutchler,	Weeks,
Cushman,	Hull,	Needham,	Wiley,
Dahle,	Irwin,	Nevin,	Williams, Ill.
Dalzell,	Jack,	Newlands,	Williams, Miss.
Darragh,	Jackson, Kans.	Olmsted,	Woods,
Davidson,	Jackson, Md.	Otjen,	Wright,
Deemer,	Jenkins,	Overstreet,	Young,
Dick,	Jones, Va.	Parker,	Zenor.
Dinsmore,	Jones, Wash.	Payne,	
Dougherty,	Joy,		

NAYS—17.

Benton,	Pou,	Selby,	Tate,
De Armond,	Rhea,	Sheppard,	Trimble.
Gooch,	Richardson, Tenn.	Sims,	
McRae,	Rixey,	Smith, Ky.	
Padgett,	Russell,	Stephens, Tex.	

ANSWERED "PRESENT"—12.

Bartlett,	Foster, Ill.	Mann,	Robinson, Ind.
Cassingham,	Johnson,	Morrell,	Shackelford,
Dayton,	Lamb,	Prince,	Sherman.

NOT VOTING—116.

Acheson,	Davey, La.	Lassiter,	Ruppert,
Adams,	Davis, Fla.	Lewis, Ga.	Scarborough,
Bell,	Edwards,	Lindsay,	Scott,
Bellamy,	Elliott,	Littauer,	Shafroth,
Belmont,	Fleming,	Loud,	Shallenberger,
Bingham,	Fowler,	Loving,	Skiles,
Blakeney,	Fox,	McCall,	Small,
Bowie,	Gaines, W. Va.	McDermott,	Smith, H. C.
Brantley,	Gilbert,	McLain,	Sparkman,
Bristow,	Gill,	Mahon,	Sperry,
Bromwell,	Gillett, Mass.	Martin,	Spight,
Brownlow,	Glass,	Maynard,	Stewart, N. J.
Burk, Pa.	Glenn,	Metcalf,	Storm,
Burnett,	Graft,	Meyer, La.	Sulloway,
Calderhead,	Graham,	Napfen,	Sutherland,
Caldwell,	Green, Pa.	Neville,	Swann,
Cannon,	Griffith,	Norton,	Swanson,
Cochran,	Grow,	Palmer,	Talbert,
Connell,	Hanbury,	Patterson, Pa.	Taylor, Ohio
Conry,	Haugen,	Patterson, Tenn.	Taylor, Ala.
Coombs,	Hay,	Pierce,	Thayer,
Cooney,	Henry, Conn.	Powers, Me.	Tompkins, N. Y.
Cooper, Tex.	Henry, Miss.	Pugsley,	Wachter,
Cooper, Wis.	Hildebrandt,	Ransdell, La.	Warner,
Corliss,	Hill,	Reid,	Watson,
Cousins,	Howard,	Richardson, Ala.	Wheeler,
Cowherd,	Jett,	Robertson, La.	White,
Creamer,	Kleberg,	Robinson, Nebr.	Wilson,
Crowley,	Knox,	Rucker,	Wooten.

So the report of the committee of conference was agreed to.
The following additional pairs were announced:

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. GILLET of Massachusetts with Mr. COOPER of Texas.

For the balance of day:

Mr. ADAMS with Mr. McDERMOTT.

Mr. POWERS of Maine with Mr. NORTON.

Mr. BLAKENEY with Mr. REID.

Mr. HENRY of Connecticut with Mr. REID.

Mr. SCOTT with Mr. LEWIS of Georgia.

Until 6 p. m. to-day:

Mr. GROW with Mr. BARTLETT.

On this vote:

Mr. MAHON with Mr. SMALL.

The result of the vote was announced as above stated.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The Chair lays before the House, with amendments of the Senate, the Military Academy appropriation bill.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to the amendments of the Senate en bloc and ask a conference with the Senate?

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. HULL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 206, nays 5, answered "present" 16, not voting 124; as follows:

YEAS—206.

Adamson,	Douglas,	Knapp,	Robinson, Ind.
Alexander,	Draper,	Kyle,	Rucker,
Allen, Me.	Driscoll,	Lacey,	Russell,
Aplin,	Dwight,	Landis,	Ryan,
Babcock,	Eddy,	Lawrence,	Schirm,
Ball, Del.	Esch,	Lessler,	Selby,
Barney,	Evans,	Lewis, Pa.	Shallenberger,
Bartholdt,	Feely,	Littauer,	Sheppard,
Bates,	Fitzgerald,	Little,	Showalter,
Billmeyer,	Flanagan,	Littlefield,	Sibley,
Bishop,	Fletcher,	Livingston,	Sims,
Blackburn,	Flood,	Lloyd,	Slayden,
Boreing,	Foerderer,	Long,	Smith, Ill.
Boutell,	Fordney,	Loudenslager,	Smith, Iowa
Bowersock,	Foss,	Lovering,	Smith, S. W.
Brandagee,	Fowler,	McCall,	Smith, Wm. Alden
Breazeale,	Gaines, Tenn.	McCleary,	Snodgrass,
Brick,	Gaines, W. Va.	McClellan,	Snook,
Broussard,	Gardner, Mass.	McLachlan,	Southard,
Brown,	Gardner, Mich.	Mahon,	Southwick,
Bull,	Gardner, N. J.	Mahoney,	Stark,
Burk, Pa.	Gibson,	Marshall,	Steele,
Burke, S. Dak.	Goldfogle,	Martin,	Stevens, Minn.
Burkett,	Gooch,	Mercer,	Stewart, N. Y.
Burleigh,	Gordon,	Mickey,	Sulloway,
Burleson,	Graff,	Miers, Ind.	Swanson,
Burton,	Greene, Mass.	Miller,	Tate,
Butler,	Grosvenor,	Minor,	Tawney,
Candler,	Hamilton,	Mondell,	Thomas, Iowa
Capron,	Hay,	Moody,	Thomas, N. C.
Cassel,	Heatwole,	Morgan,	Thompson,
Clark,	Hedge,	Morris,	Tirrell,
Clayton,	Hemenway,	Moss,	Trimble,
Conner,	Henry, Conn.	Mudd,	Underwood,
Coombs,	Henry, Tex.	Mutchler,	Vandiver,
Cooper, Wis.	Hepburn,	Needham,	Van Voorhis,
Cousins,	Hill,	Nevin,	Vreeland,
Cowherd,	Hitt,	Olmsted,	Wachter,
Cromer,	Holliday,	Otjen,	Wagoner,
Crowley,	Hopkins,	Overstreet,	Wanger,
Crumpacker,	Howell,	Padgett,	Warner,
Currier,	Hughes,	Palmer,	Warnock,
Curtis,	Hull,	Payne,	Weeks,
Cushman,	Irwin,	Pearre,	Wiley,
Dahle,	Jackson, Kans.	Perkins,	Williams, Ill.
Dalzell,	Jackson, Md.	Powers, Mass.	Williams, Miss.
Darragh,	Jenkins,	Randell, Tex.	Woods,
Davidson,	Jones, Wash.	Reeder,	Wright,
De Armond,	Joy,	Reeves,	Young,
Dick,	Kahn,	Richardson, Tenn.	Zenor.
Dinsmore,	Kitchin, Wm. W.	Robb,	
Dougherty,	Klutz,	Roberts,	

NAYS—5.

Ball, Tex.	Benton,	Hooker,	Jones, Va.
Bankhead,			

ANSWERED "PRESENT"—16.

Bartlett,	Emerson,	Ketcham,	Prince,
Brundidge,	Foster, Vt.	Mann,	Shackelford,
Calderhead,	Haskins,	Morrell,	Sherman,
Dayton,	Jack,	Patterson, Pa.	Taylor, Ohio.

NOT VOTING—124.

Acheson,	Burnett,	Edwards,	Griggs,
Adams,	Caldwell,	Elliott,	Grow,
Allen, Ky.	Cannon,	Finley,	Hanbury,
Beidler,	Cassingham,	Fleming,	Haugen,
Bell,	Cochran,	Foster, Ill.	Henry, Miss.
Bellamy,	Connell,	Fox,	Hildebrandt,
Belmont,	Conry,	Gilbert,	Howard,
Bingham,	Cooney,	Gill,	Jett,
Blakeney,	Cooper, Tex.	Gillet, N. Y.	Johnson,
Bowie,	Corliss,	Gillett, Mass.	Kehoe,
Brantley,	Creamer,	Glass,	Kern,
Bristow,	Davey, La.	Glenn,	Kitchin, Claude
Brownlow,	Davis, Fla.	Graham,	Kleberg,
Burgess,	Deemer,	Green, Pa.	Knox,
	Dovener,	Griffith,	Lamb.

Lassiter,
Latimer,
Lester,
Lever,
Lewis, Ga.
Lindsay,
Loud,
McAndrews,
McCulloch,
McDermott,
McLain,
McRae,
Maddox,
Maynard,
Metcalf,
Meyer, La.

Moon,
Naphen,
Neville,
Newlands,
Norton,
Parker,
Patterson, Tenn.
Pierce,
Pou,
Powers, Me.
Pugsley,
Ransdell, La.
Reid,
Richardson, Ala.
Rixey,

Robertson, La.
Robinson, Nebr.
Ruppert,
Scarborough,
Scott,
Shafroth,
Shattuc,
Shelden,
Skiles,
Small,
Smith, Ky.
Smith, H. C.
Sparkman,
Sperry,
Spight,
Stephens, Tex.

Stewart, N. J.
Storm,
Sulzer,
Sutherland,
Swann,
Talbert,
Taylor, Ala.
Thayer,
Tompkins, N. Y.
Tompkins, Ohio
Wadsworth,
Watson,
Wheeler,
White,
Wilson,
Wooten.

So the amendments of the Senate were disagreed to, and it was ordered that a conference with the Senate be requested.

The following additional pairs were announced:

For the balance of day:

Mr. STORM with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. LAMB.

Mr. WADSWORTH with Mr. ALLEN of Kentucky.

Mr. KETCHAM with Mr. MOON.

Mr. BEIDLER with Mr. RHEA.

Mr. ACHESON with Mr. HENRY of Texas.

Mr. GILLET of New York with Mr. MCRAE.

Mr. DEEMER with Mr. MCCULLOCH.

Mr. FOSTER of Vermont with Mr. POU.

The result of the vote was announced as above recorded; and the Speaker thereupon appointed Mr. HULL, Mr. PARKER, and Mr. SULZER as conferees on the part of the House.

RECESS.

Mr. PAYNE. I move that the House take a recess until 11 o'clock to-morrow morning.

The SPEAKER proceeded to put the question on the motion of Mr. PAYNE.

Mr. RICHARDSON of Tennessee. I call for a division.

The SPEAKER proceeded to take the vote.

Mr. RICHARDSON of Tennessee. Pending the count, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON of Tennessee. I rise to a parliamentary inquiry, Mr. Speaker. Under the new rule adopted to-day, does the Chair hold that a motion for a recess takes priority over a motion to adjourn?

The SPEAKER. He does.

Mr. RICHARDSON of Tennessee. And if we vote down this motion for a recess, then a motion to adjourn will be in order?

The SPEAKER. Well, we will cross that bridge when we come to it. [Laughter.]

The question was taken; and there were—yeas 151, nays 64, answered "present" 13, not voting 123; as follows:

YEAS—151.

Adams,
Allen, Me.
Aplin,
Ball, Del.
Barney,
Bartholdt,
Bates,
Bishop,
Blackburn,
Boreing,
Bowersock,
Brandegge,
Brick,
Bristow,
Brown,
Bull,
Burk, Pa.
Burke, S. Dak.
Burkett,
Burleigh,
Burton,
Butler,
Cannon,
Capron,
Cassel,
Conner,
Coombs,
Cousins,
Cromer,
Crumpacker,
Currier,
Curtis,
Cushman,
Dahle,
Dalzell,
Darragh,
Davidson,
Deemer,

Dick,
Dovenor,
Draper,
Driscoll,
Eddy,
Esch,
Evans,
Fletcher,
Foerderer,
Fordney,
Foss,
Fowler,
Gaines, W. Va.
Gardner, Mass.
Gardner, Mich.
Gardner, N. J.
Gibson,
Gillett, N. Y.
Gillett, Mass.
Graff,
Greene, Mass.
Grosvenor,
Hamilton,
Haskins,
Heatwole,
Hedge,
Hemenway,
Hepburn,
Hildebrandt,
Hill,
Hitt,
Holliday,
Hopkins,
Howell,
Hughes,
Hull,
Irwin,
Jack,

Jackson, Md.
Jenkins,
Jones, Wash.
Joy,
Kahn,
Knapp,
Kyle,
Lacey,
Landis,
Lawrence,
Lessler,
Lewis, Pa.
Littauer,
Littlefield,
Long,
Loud,
Loudenslager,
Loving,
McCall,
McCleary,
McLachlan,
Mahon,
Marshall,
Martin,
Mercer,
Miller,
Minor,
Mondell,
Moody,
Morgan,
Morrell,
Morris,
Moss,
Mudd,
Needham,
Nevin,
Olmsted,
Otjen,

Overstreet,
Palmer,
Parker,
Payne,
Pearre,
Perkins,
Powers, Me.
Powers, Mass.
Reeder,
Reeves,
Roberts,
Schirm,
Showalter,
Sibley,
Smith, Ill.
Smith, Iowa
Smith, S. W.
Smith, Wm. Alden.
Southard,
Southwick,
Steele,
Stevens, Minn.
Stewart, N. Y.
Sulloway,
Tawney,
Thomas, Iowa
Tirrell,
Van Voorhis,
Vreeland,
Wachter,
Wadsworth,
Wagoner,
Wanger,
Warner,
Weeks,
Woods,
Wright.

NAYS—64.

Adamson,
Ball, Tex.
Bankhead,
Benton,
Billmeyer,
Breaazeale,

Broussard,
Brundidge,
Burgess,
Burleson,
Candler,
Clark,

Clayton,
Cowherd,
Crowley,
De Armond,
Dougherty,
Feely,

Fitzgerald,
Flanagan,
Flood,
Gaines, Tenn.
Goldfogle,
Gooch,

Gordon,
Hay,
Jackson, Kans.
Jones, Va.
Kitchin, Claude
Kitchin, Wm. W.
Klutz,
Little,
Livingston,
Lloyd,

Bartlett,
Boutell,
Dayton,
Emerson,

Acheson,
Alexander,
Allen, Ky.
Babcock,
Beidler,
Bell,
Bellamy,
Belmont,
Bingham,
Blakeney,
Bowie,
Brantley,
Bromwell,
Brownlow,
Burnett,
Calderhead,
Caldwell,
Cassingham,
Cochran,
Connell,
Conry,
Cooney,
Cooper, Tex.
Cooper, Wis.
Corliss,
Creamer,
Davey, La.
Davis, Fla.
Dismore,
Douglas,
Dwight,

McAndrews,
McClellan,
Mickey,
Miers, Ind.
Mutchler,
Randell, Tex.
Richardson, Tenn.
Robb,
Robinson, Ind.
Rucker,

ANSWERED "PRESENT"—13.
Foster, Ill.
Foster, Vt.
Ketcham,
Mann,

Edwards,
Elliott,
Finley,
Fleming,
Fox,
Gilbert,
Gill,
Glass,
Glenn,
Graham,
Green, Pa.
Griffith,
Griggs,
Grow,
Hanbury,
Hansen,
Henry, Conn.
Henry, Miss.
Henry, Tex.
Hooker,
Howard,
Jett,
Johnson,
Kehoe,
Kern,
Kleberg,
Knox,
Lamb,
Lassiter,
Latimer,
Lester,
Scott,

Russell,
Ryan,
Sclay,
Shackelford,
Sheppard,
Sims,
Slayden,
Small,
Snodgrass,
Snook,

Metcalf,
Patterson, Pa.
Prince,
Sherman,

Lever,
Lewis, Ga.
Lindsay,
McCulloch,
McDermott,
McLain,
McRae,
Maddox,
Mahoney,
Maynard,
Meyer, La.
Moon,
Naphen,
Neville,
Newlands,
Norton,
Padgett,
Patterson, Tenn.
Pierce,
Pou,
Pugsley,
Ransdell, La.
Reid,
Rhea,
Richardson, Ala.
Rixey,
Robertson, La.
Robinson, Nebr.
Ruppert,
Scarborough,
Scott,

Stark,
Swanson,
Tate,
Thompson,
Underwood,
Vandiver,
Wiley,
Williams, Ill.
Williams, Miss.
Zenor.

Taylor, Ohio

NOT VOTING—123.

Shafroth,
Shallenberger,
Shattuc,
Shelden,
Skiles,
Smith, Ky.
Smith, H. C.
Sparkman,
Sperry,
Spight,
Stephens, Tex.
Stewart, N. J.
Storm,
Sulzer,
Sutherland,
Swann,
Talbert,
Taylor, Ala.
Thayer,
Thomas, N. C.
Tompkins, N. Y.
Tompkins, Ohio
Trimble,
Warnock,
Watson,
Wheeler,
White,
Wilson,
Wooten,
Young.

The following additional pairs were announced:

Mr. ALEXANDER with Mr. THOMAS of North Carolina.

Mr. BOUTELL with Mr. GRIGGS.

The result of the vote was announced as above recorded.

So the motion was agreed to; and accordingly (at 6 o'clock and 46 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEMENWAY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 17520) making appropriations for the Department of Commerce and Labor for the fiscal years 1903 and 1904, reported the same without amendment, accompanied by a report (No. 3868); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17503) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Northern Pacific Railway Company, reported the same with amendments, accompanied by a report (No. 3870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 17522) providing for the purchase by and on behalf of the United States of the right to use the Daniel or some other process of producing engraved plates, reported the same without amendment, in lieu of H. R. 9509, accompanied by a report (No. 3871); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 7069) for the appointment of an additional judge in the Indian Territory, reported the same without amendment, accompanied by a report (No. 3872); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17481) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers, reported the same without

amendment, accompanied by a report (No. 3873); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 7412) to amend the second section of an act entitled "An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year," approved June 9, 1902, reported the same without amendment, accompanied by a report (No. 3874); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the resolution of the House (H. J. Res. 269) providing for the transfer of certain military rolls and records from the Interior Department to the War Department, reported the same with amendment, accompanied by a report (No. 3876); which said resolution and report were referred to the House Calendar.

Mr. CONNER, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 30) for the erection of a monument to the memory of Dorothea Lynde Dix, reported the same without amendment, accompanied by a report (No. 3877); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the Senate (S. 4980) to incorporate the American Academy at Rome, reported the same without amendments, accompanied by a report (No. 3879); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6421) to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892, reported the same without amendment, accompanied by a report (No. 3880); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17499) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, reported the same without amendment, accompanied by a report (No. 3881); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7375) granting an increase of pension to Alfred Woodman, reported the same without amendment, accompanied by a report (No. 3875); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3575) for the relief of Russell A. McKinley, reported the same with amendment, accompanied by a report (No. 3878); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 17520) making appropriations for the Department of Commerce and Labor for the fiscal years 1903 and 1904—to the Union Calendar.

By Mr. PAYNE: A bill (H. R. 17521) to raise revenue from the deposits of public money, for the safe-keeping thereof, and for other purposes—to the Committee on Banking and Currency.

By Mr. HEATWOLE, from the Committee on Printing: A bill (H. R. 17522) providing for the purchase by and on behalf of the United States of the right to use the Daniel or some other process of producing engraved plates, as a substitute for H. R. 9509—to the Union Calendar.

Also, a joint resolution (H. J. Res. 281) providing for the printing annually of the Report of the Director of the Office of Experiment Stations, Department of Agriculture—to the Committee on Printing.

By Mr. MERCER: A resolution (H. Res. 472) for the consideration of S. 7414—to the Committee on Rules.

By Mr. HULL: A resolution (H. Res. 473) for the consideration of S. 5437—to the Committee on Rules.

By Mr. BISHOP: A joint resolution of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: A joint resolution of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Railways and Canals.

By Mr. HENRY C. SMITH: A joint resolution of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Railways and Canals.

By Mr. SMITH of Arizona: A memorial of the legislature of Arizona, protesting against ceding any part of that Territory to Utah—to the Committee on the Territories.

By Mr. DARRAGH: A resolution of the legislature of Michigan, relative to a monument to Charles Vernon Gridley—to the Committee on the Library.

Also, a memorial of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOWARD: A bill (H. R. 17523) granting an increase of pension to Jasper M. Griggs—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 17524) granting an increase of pension to Henry W. Beck—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 17525) to pay to the estate of Sampson B. Cloud the sum of \$1,595—to the Committee on War Claims.

Also, a bill (H. R. 17526) to pay the estate of Jerry T. Cloud the sum of \$2,530—to the Committee on War Claims.

Also, a bill (H. R. 17527) to pay the estate of John A. Brown, deceased, the sum of \$10,952 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17528) to pay the estate of Phillip Lightfoot, deceased, the sum of \$1,812 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17529) to pay the estate of Mary Daugherty, deceased, the sum of \$1,045 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17530) to pay the estate of John M. Ellington the sum of \$7,755 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17531) to pay the estate of Unity E. Greenwood, of Macon County, Ala., the sum of \$4,550—to the Committee on War Claims.

Also, a bill (H. R. 17532) to pay the estate of Robert Mitchell, deceased, the sum of \$129,150 for stores and supplies—to the Committee on War Claims.

By Mr. WILEY: A bill (H. R. 17533) for the relief of the estate of William E. McGehee—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 17534) for the relief of James M. Parker—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Turkey Foot Grange, No. 1164, Patrons of Husbandry, of Washington County, Pa., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. BUTLER: Petition of citizens of Eddystone, Pa., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Russellville Grange, No. 91, Patrons of Husbandry, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

Also, petition of I. H. Huff and others, opposing the passage of House bill 12002—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolution of the Kansas State Temperance Union, asking for temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of T. W. Carlin and other retail druggists of Salina, Kans., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of Tom Custer Post, No. 178, Grand Army of the Republic, of Sheridan, Mich., favoring the passage of House bill 17103, providing for the commutation of homestead entries—to the Committee on the Public Lands.

By Mr. FITZGERALD: Resolution of the New York State

Grange, Patrons of Husbandry, urging the passage of House bill 15369, for the creation of a bureau of public roads to provide a system for the permanent improvement of the public highways—to the Committee on Agriculture.

Also, resolutions of Long Island Lodge, No. 13, Sons of Benjamin, Brooklyn, N. Y., condemning the methods in vogue at the immigration bureau at the port of New York regarding the deportation of immigrants—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Protests against the passage of House bill 16457, to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, from the following: William Edwards & Co., of Cleveland, Ohio; Plunkett Jarrell Grocery Company, of Little Rock, Ark.; Joseph Barnes and J. S. Hall & Co., of Cincinnati, Ohio; W. H. I. Hayes, of Boston, Mass.; Charles Hewitt, C. C. Prouty & Co., and Warfield-Pratt-Howell, Company, of Des Moines, Iowa; Krenning Grocery Company, of St. Louis, Mo.; J. N. Pike Company, of Lynn, Mass.; Isaac Eberly Company, of Columbus, Ohio; F. W. Hannahs, of Newark, N. J.; Buck, Reiner Company and Blom Collier Company, of Keokuk, Iowa; Gustin, Cook & Buckley, of Bay City, Mich.; Reynolds, Davis & Co., of Fort Smith, Ark.; Phipps, Penoyer & Co., of Saginaw, Mich.; Kansas City Wholesale Grocery Company, of Kansas City, Mo.; Deis-Fertig Company, of Canal Dover, Ohio; Imperial Cigar Company, of Scranton, Pa.; Griggs, Cooper & Co., of St. Paul, Minn.; and Marshalltown Grocery Company, of Marshalltown, Iowa—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Colerain, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Logan, Ohio, favoring the repeal of the Navy personnel act—to the Committee on Naval Affairs.

By Mr. HEATWOLE: Petitions of citizens of the counties of Nicollet, Lesueur, Sibley, and Scott, Minn., asking for the passage of a bill declaring Minnesota River nonnavigable from its source to the village of Belle Plaine—to the Committee on Rivers and Harbors.

Also, petition of M. G. Eneson and others, of St. Peter, Minn., favoring the passage of a graded-service pension bill—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolutions of the convention of the Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., for the extension of reciprocal trade arrangements with other countries—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Independent Tobacco Manufacturers' Association of the United States, favoring the passage of House bill 16457—to the Committee on Ways and Means.

Also, petition of the New York State Grange, Patrons of Husbandry, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the Army and Navy Union, Brooklyn, N. Y., favoring the passage of Senate bill 65—to the Committee on Naval Affairs.

Also, resolutions of the Grand Army of the Republic, Department of New York, favoring the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. MERCER: Resolutions of U. S. Grant Post, No. 110, Grand Army of the Republic, of Omaha, Nebr., protesting against the erection of a statue of Gen. Robert E. Lee in the Capitol or any other Government building in the city of Washington—to the Committee on the Library.

Also, resolution of the Omaha Central Labor Union, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. METCALF: Resolutions of the Chamber of Commerce of San Francisco, Cal., favoring encouragement of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. OTJEN: Resolutions of the Department of Wisconsin, Grand Army of the Republic, urging the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. RYAN: Resolution of Liberty Lodge, No. 2, Car Workers' Association, of Buffalo, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SHALLENBERGER: Affidavit to accompany House bill for increase of pension of Jesse Clark—to the Committee on Invalid Pensions.

Also, resolutions of Central Labor Union, of Omaha, Nebr., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SULZER: Petition of New York Plate Printers' Union, No. 5, urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

SENATE.

SATURDAY, February 28, 1903.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCUMBER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved.

WILLIAM E. B. DAVIS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a judgment rendered against the United States by the United States circuit court for the northern district of Alabama in the case of William E. B. Davis, \$332.50; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDAATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in further response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ENTOMOLOGICAL INVESTIGATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture, submitting an estimate of deficiency in the appropriation for entomological investigations for the fiscal year 1903, \$3,013.18; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in further compliance with the resolution of the 25th instant, a list of judgments rendered by the Court of Claims amounting to \$2,963.04, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting in further compliance with the resolution of the 25th instant, additional lists of claims allowed by the accounting officers of the Treasury amounting to \$8,735.66; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SULZER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. TATE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 304) granting an increase of pension to George M. Duffy;

A bill (H. R. 659) granting an increase of pension to Winfield Pierce;

A bill (H. R. 700) granting an increase of pension to Eben Slawson;

A bill (H. R. 833) granting an increase of pension to George H. Van Deusen;

A bill (H. R. 942) granting a pension to George R. Dougherty;

A bill (H. R. 962) granting a pension to Rodney W. Anderson;

A bill (H. R. 1016) granting a pension to Charles S. F. Hilton;

A bill (H. R. 1062) granting an increase of pension to Elias P. Stearns;